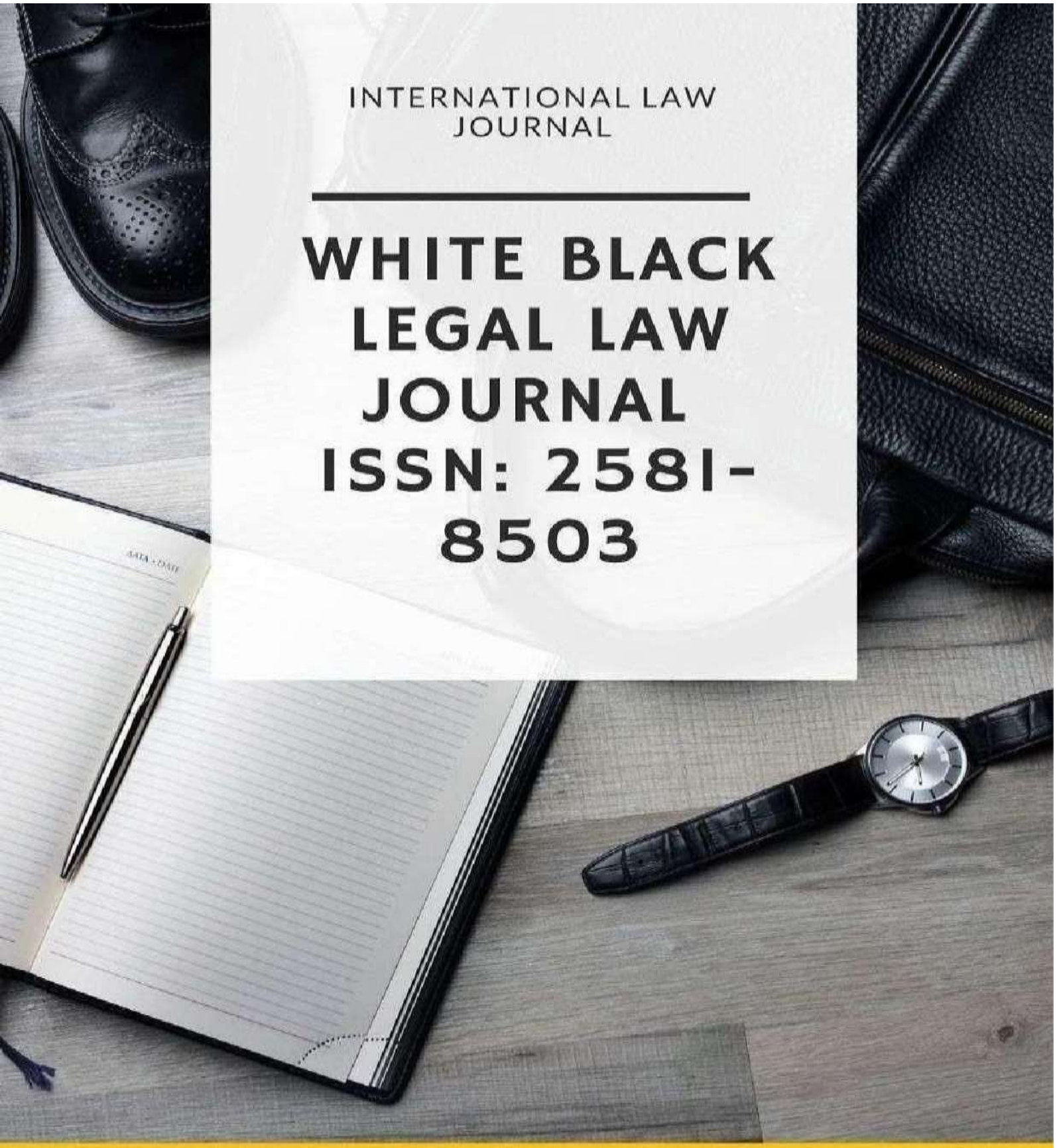

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SECTION 2(D)(VI) REVISITED: THE LIMITS OF INDIAN COPYRIGHT LAW IN ACCOMMODATING AI-GENERATED WORKS

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ABSTRACT

Section 2(d)(vi) of the Copyright Act, 1957[1], assigns authorship of computer-generated works to the person who causes the work to be created. Enacted in 1994 for simple automated outputs, this provision was never designed to accommodate the generative artificial intelligence systems that now produce commercially significant creative works at scale. This paper argues that Section 2(d)(vi) produces three compounding doctrinal failures when applied to modern AI i.e. first, it cannot identify which of the developer deployer or user causes a generative ai work to be created, second, it cannot reconcile the statutory authorship attribution with the Eastern Book Company Originality Standard[2], producing a circular trap in which the formal author cannot satisfy the constitutional creativity requirement and third, it offers no mechanisms for resolving ownership conflicts among multiple competing claimants drawing on a comparative analysis of the United States' Thaler v. Permutter (D.C. Circuit, 2025)[3], the United Kingdom's Section 9(3) of CDPA[4] model, and the constitutional constraints imposed by Articles 19(1)(g), 21 and 300A of the Indian constitution, the paper proposes three targeted legislative reforms that is, a tiered amendment to Section 2(d)(vi) adopting a significant human input test a clarified ownership priority rule under Section 17 for commercial AI-assisted works and an expression extension of Section 57 to cover AI generated false credit.

KEYWORDS

AI-generated work, Copyright Law, Authorship, Ownership, Artificial Intelligence, Section 2(d)(vi), Copyright Act 1957, Originality, Eastern Book Company Standard, Thaler v.

[1] THE COPYRIGHT ACT, 1957 (14 OF 1957); s. 2(d)(vi)
[2] *Eastern Book Company v. D.B. Modak*, AIR 2008 SC 809
[3] *Thaler v. Perlmutter*, 130 F.4th 1039 (D.C. Cir. 2025), cert. denied, U.S. Supreme Court, No. 24- (Mar. 2, 2026)
[4] Copyright, Designs and Patents Act 1988 (c. 48), s. 9(3)

Permutter, ANI v. OpenAI[5], Text and Data Mining, Fair Dealing, Section 52, Moral Rights, Section 57, DPIIT Working Paper Part I[6], CDSM Directive[7], Comparative Copyright Law, Constitutional IP Rights, Articles 19(1)(g),21, 300A[8], Generative AI, Training Data, Sui Generis Rights.

CHAPTER I: INTRODUCTION

1.1 Background and Significance

Generative AI systems including OpenAI's GPT Series, Google Gemini, Stability AI's image diffusion models and Anthropic's Claud have transformed the creative landscape by producing text visual art, music, and code with minimal human intervention. The rapid maturation of generative artificial intelligence has unsettled long standing Copyright doctrines that assume a human origin for creative works. The legal structure regulating the works of human creativity was however designed in a world where machines were mere tools. This dissertation topic demands rigorous comparative analysis across India, the US and UK, given as disruption of traditional human centric Copyright doctrines. Across jurisdiction courts, legislatures and international bodies have begun to confront 3 interlinked problems. First, whether and when an AI output can qualify for Copyright protection? Second, who if anyone owns or controls rights in AI produced materials? And third, how training on Copyrighted datasets interacts with infringement and exceptions? Recent policy work by WIPO[9] and National Reform Proposals notably India's DPIIT[10] 2025 committee provide the regulatory backdrop for the study.

1.2 Statement of Problem

The principal problem this dissertation addresses is that the existing Copyright frameworks are largely human centric and therefore ill-suited to classify, attribute and protect works produced wholly or substantially by autonomous AI systems. India's Copyright Act, 1957[11] provides a human centric framework which is ill equipped for AI-generated works. The mismatch

[5] *ANI Media (P) Ltd v. OpenAI Inc.*, CS(COMM) 1028/2024 (Delhi High Court, pending)
[6] Department for Promotion of Industry and Internal Trade (DPIIT), *Working Paper on Generative AI and Copyright* (Part I, P-24029/34/2025-IPR-VII, December 2025)
[7] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on Copyright and Related Rights in the Digital Single Market
[8] Constitution of India, 1950, Arts. 14, 19(1)(a), 19(1)(g), 21 and 300A
[9] WIPO, *Generative AI: Navigating IP* (WIPO Publication, 2024)
[10] Department for Promotion of Industry and Internal Trade (DPIIT), *Working Paper on Generative AI and Copyright* (Part I, December 2025)
[11] Copyright Act, 1957 (Act No. 14 of 1957), s. 2(d)(vi) (India)

produces three practical legal gaps[12]. First, a protection gap for purely machine generated outputs, second is uncertainty about ownership and enforceability when multiple human prompt users, developers, and data providers are involved. An unresolved liability and remedy questions when models are trained on unlicensed Copyrighted material.

1.3 Research Questions

This dissertation seeks to answer the following primary and subsidiary research questions.

a. Primary: Can AI generated works receive Copyright protection under the existing legal frameworks of India, the US and the UK and if so, who qualifies as the author and owner?
b. Subsidiary 1: How do the authorship and originality doctrines of each jurisdiction accommodate or fail to accommodate the AI generated creativity?
c. Subsidiary 2: How does each jurisdiction address the ownership of AI generated works as between developer's prompt users and employers?

CHAPTER II: THE HUMAN-CENTRIC DOCTRINE

2.1 The Centrality of Human Authorship

The human centric authorship doctrine is the cornerstone of Copyright law across all major legal systems. It holds that Copyright protection is available only for works produced through the exercise of human creative agency. The doctrine is so deeply embedded in Copyright's conceptual structure that most systems have not needed to state it explicitly that its operation has been assumed rather than conveyed. Only when AI began generating creative outputs of sufficient sophistication to challenge the assumption of human creativity and legislatures have to make the doctrine explicit.

In India, the doctrine operates through Section 2(d) of the Copyright Act 1957, which defines 'author' functionally across different categories of works. The author of a literary dramatic, musical, or artistic work is the person who creates it that is the author of a cinematograph film is the producer or the author of a sound recording is the producer or the author of a photograph is the photographer. The common thread across all these definitions is the requirement of a human person exercising creative or organisational control over the work's production.

The Supreme Court gave content to this doctrine where it held that Copyright protects only works in which the author has exercised skill and judgement reflecting the author's own

[12] Vedika Agrawal, 'Authorship and Ownership under Indian Copyright: A Regulatory Gap Analysis' (2026)

intellectual creation. This standard explicitly derived from the Canadian Supreme Court's decision in CCH Canadian Limited v. Law Society of Upper Canada (2004)[13]and consistent with the CJEU's approach, places human intellectual creativity at the centre of the originality analysis. A work that does not reflect any human intellectual contribution because it was generated mechanically, statistically or autonomously by a machine cannot satisfy the standard.

2.2 Originality as the Test of Human Authorship

The originality requirement is the principal mechanism through which the human authorship doctrine operates in practice. A work is original in the Indian legal sense when it is not copied from another work and when it reflects the author's own skill, judgement, and creative choices. The sweat-of-the-brow doctrine which held that mere labour without creativity was sufficient for originality, was expressly rejected by the Supreme Court in Eastern Book Company v. D.B. Modak (2007), which required not just effort but intellectual judgement. This rejection was significant because it closed the door for arguments that AI generated outputs might be original by virtue of the computational resources expended in procuring them.

The originality requirement has 2 components that are both necessary and individually insufficient. First, independent creation of the work must not be a copy of pre-existing work. Second, creative expression which involves that the work must reflect at least a minimal degree of author's own creative choices. Applied to AI, the independent creation component may be satisfied, and AI system that generates a novel output is not copying in traditional sense. But the creative expression component may not, because the choices made in generating the output are the product of statistical processes trained on prior data rather than conscious creative judgement of a human author.

CHAPTER III: DEFINING AI-GENERATED WORKS

3.1 Defining AI-Generate Works

For legal purposes, artificial intelligence may be broadly defined as a computational system that processes data to perform tasks that would ordinarily require human intelligence. In the creative domain, AI systems of legal significance are primarily generative AI models, machine learning systems trained on large datasets that can produce original looking outputs in texts, image, audio, video or code form. The most prominent examples include large language models such as GPT4 and Gemini image generation system and stable diffusion music generation tools

[13] [2004] 1 SCR 339

such as Suno and Udio[14], and multimodal system capable of generating complex combination of text, image and audio.

These systems operate differently from earlier forms of computer assistance where a conventional software tool executes explicit instructions coded by a human programmer and produces predictable, rule-based outputs. A generative AI model, however, is trained on statistical patterns extracted from training data and generate output through probabilistic sampling processes that are not fully predictable even to model's creators. This unpredictability is legally significant because it means the models output cannot be attributed to any specific instruction encoded by a human programmer. The output is, in a meaningful sense, a product of the models that learn statistical tendencies rather than any individual human's creative direction.

3.2 Legal definitions of AI Generated Works

The Copyright Act, 1957 does not contain a definition for AI generated work. Section 2(d)(vi)[15] which was introduced by the Copyright (Amendment) Act, 1994, that addresses works generated by a computer system in circumstances such that there is no human author of the work, assigning authorship to the person who causes the work to be created. This provision was enacted long before modern generative AI and was designed for relatively straightforward automated outputs. Applying it to the contemporary AI generated works requires interpretive extension that the language does not fully support and that codes have not yet authoritatively provided.

For legal and analytical purposes, and AI generated work may be defined as a creative output (literary, artistic, musical, dramatic, cinematographic, or otherwise) in which the expressive form of the final output is determined substantially or entirely by the processes of an AI system rather than by the direct creative choices of a natural person. This definition has 2 critical components it focuses on. First, the expressive form of the output rather than on the existence of a human input into the process. Second, it requires that the AI's contribution be substantial in determining the final expression not merely supplementary or mechanical. The definition thereby excludes work in which AI merely assists, a human author which are better categorised as human authored works produced with AI tools.

[14] OpenAI, *GPT-4 Technical Report* (2023); Google DeepMind, *Gemini: A Family of Highly Capable Multimodal Models* (2023)

[15] Copyright Act, 1957, s. 2(d)(vi) as inserted by the Copyright (Amendment) Act, 1994 (Act No. 38 of 1994)

3.3 The Spectrum of Human AI Creative Collaboration

The legal issues in Copyright and AI do not arise uniformly across all uses of AI in creative production. They arise with varying intensity depending on the degree of human creative involvement in the works production. It is therefore essential to establish a clear conceptual framework that identifies the relevant points on the spectrum of human-AI collaboration distinguishes category of work that warrant different legal treatment and provides a principled basis for drawing the line between protectable and unprotectable outputs.

At one end of the scale are works that are entirely human authored but incidentally produced using digital tools that employ AI components. A novelist who uses an AI powered grammar checker or an architect who uses a parametric design tool with machine learning features or a musician who uses an AI based auto tuning application does not produce an AI generated work in any meaningful legal sense. The AI component is a refinement tool where the creative choices that determine the expressive form of the work are entirely the humans. Such works are conventional Copyright works, and no special analysis is required.

Moving along the spectrum one reaches what may be called AI-assisted works in which a human author uses a generative AI system as a creative collaborator directing selecting and refining its outputs to produce a final work that reflects the author's creative vision. The human in this scenario exercises genuine creative judgement at multiple points. This may include in formatting the prompt and evaluating the AI's output, in selecting an alternative outputs, and combining AI generated elements with human authored material, and in editing and refining the result. The United States Copyright Offices, 2025 Copyrightability Report[16] identifies this type of case as one in which Copyright may subsist in the human authored elements and in the overall creative selection and arrangement even if the individual a generated components are not themselves protectable.

At the far end of the spectrum are fully AI generated works outputs produced by an AI system in response to minimal human direction where the creative choices that determine the expressive form of the output are made by the AI rather than the human. A user who types write a poem into a language model and accepts the first output as their own work has contributed a theme but not a creative expression i.e. the specific words rhythms, images and structural choices that constitute the poems expression at the AI's product. Such outputs as currently understood under Indian, American, and English law do not attract Copyright protection.

[16] United States Copyright Office, *Copyright and Artificial Intelligence, Part 2: Copyrightability* (January 2025)

3.4 The Significant Human Input Test[17]

The most practically useful standard for distinguishing AI assisted works from fully AI generated ones is the significant human input test which has been widely discussed in Indian and comparative legal scholarships. Under this test, Copyright subsists in an AI assisted work where the human contributor's creative choices are substantially enough and that the final work may properly be regarded as the product of human intellectual creation with AI functioning as a tool of execution rather than the source of the creative expression itself.

The test has the advantage of flexibility which means thar it can be applied to the infinite variation of human AI-collaborative scenarios without requiring categorical rules that oversimplify a genuinely complex phenomenon. It also has the advantage of constitutional coherence. It preserves the human creativity requirement of the Eastern Book Company originality standard while allowing Copyright to adapt to new modes of creative production. Its principal disadvantage is uncertainty. Determining whether any given human contribution cross the significant threshold requires a case-by-case assessment that may be difficult and expensive to litigate.

CHAPTER IV: THE SECTION 2(d)(vi) PROBLEM

4.1 Section 2(d)(vi) and the Computer-generated Work Problem

Section 2(d)(vi) assigns authorship of computer-generated works to the person who causes the work to be created. This provision was intended to solve the authorship problem for works generated by computer programmes without huge direct human creative input, by assigning authorship to the person who causes the work to be created it preserves the requirement of a human author while acknowledging that the human contribution may be indirect consisting of setting up and operating the computer system that produces the work, rather than directly expressive.

Applied to modern generative AI, this section raises three questions: First, who is the person who causes the work to be created? Second, is there a minimum degree of human contribution required by the provision? And third, does the provision require originality in the computer-generated work as well as authorship and if so, whose originality counts?

On the first question the most reasonable candidates are: the developer of the AI model who designed and trained the system that generates the output; the deployer or operator of the AI system who made it available as a commercial product; and the user who provided the specific

[17] Khurana and Khurana, 'Ownership of AI-Generated Content in India' (2025)

prompt or instruction that triggered the particular output. None of these parties is obviously the person who causes the work to be created to the exclusion of the others. In a typical generative AI workflow all three have contributed to the works creation at different levels of concept and at different stages of the process.

On the second question, the section is silent. It does not specify a minimum degree of human contribution required before the provision applies. This silence creates interpretive space that courts may fill either broadly treating any human involvement in the AI's operation as sufficient to trigger the Section 2(d)(vi), or narrowly, requiring a meaningful degree of human creative direction. The narrow interpretation is more consistent with the Eastern Book Company standard and with the constitutional originality requirement that underlies it.

On the third question, the section assigns authorship but does not eliminate the originality requirement a computer-generated work, it must still be original to attract Copyright, if originality requires the author's own intellectual creation as the Eastern Book Company held and if the author of a computer generated work under Section 2(d)(vi) is the person who caused it to be created, then the originality of the work must be assessed by reference to the person's intellectual choices. This creates a circular problem that means, if the person's creative contribution entirely consists of writing a brief prompt, their choices may not rise to the level of intellectual creation required for originality, even though they formally qualify as the person who caused the work to be created.

4.2 The Joint Authorship Problem in AI-Assisted Works

Section 2(z)[18] of the Copyright Act defines 'work of joint authorship'. As a work produced by the collaboration of two or more authors in which the contribution of each author is not separable from the contribution of the other author or authors. Joint authorship might appear to offer a route to resolving the authorship question in AI assisted works by categorising the human user and the AI system as joint authors.

However, this approach fails at the threshold. Joint authorship requires that each contributor be an author as established above, an AI system cannot be an author under the Indian law. The joint authorship framework therefore cannot accommodate human AI collaboration without a fundamental reinterpretation of what it means to be an author a reinterpretation that would require legislative intervention rather than judicial creativity alone.

A more promising approach to cases of genuine human-AI collaboration is to assess the human

[18] Copyright Act, 1957, s. 2(z)

contributor's creative choices in isolation, and to ask whether these choices, considered independently of the AI's contribution, rise to the level of an own intellectual creation. Where they do, the human is the sole author of the work even if the as contribution was substantial and practical terms. Where they do not, no author exists and no Copyright subsists. This approach while commercially unsatisfying in some cases has the advantage of doctrinal consistency with both Section 2(d) and the Eastern Book Company standard.

CHAPTER V: OWNERSHIP THEORIES APPLIED TO AI

5.1 The Initial Vesting of Ownership

Ownership of Copyright is a distinct concept from authorship though the two are complicatedly connected. Copyright initially vests in the author of the work who is the First Owner under Section 17[19] of the Copyright Act. This default rule reflects the intuition that the person who creates a work should be its first owner. However, the rule is subject to important exceptions. Where a literary, dramatic, musical or artistic work is made by an author in the course of employment under a contract of service or apprenticeship, the employer is the first owner[20] of the Copyright in the absence of any agreement to the contrary. Similar rules applied to commissioned works in certain categories. In each case the act modifies the default vesting rule to accommodate organisational and commercial realities.

For AI generated works the vesting problem is acute, if no human author can be identified ownership never vests in any person and the work falls into the public domain. If multiple human contributors are involved the question of who among them satisfies the author requirement cannot be answered by simple referring to Section 17.

5.2 The Labour Theory of Ownership

The labour theory[21] of Copyright ownership holds that the person who invests intellectual effort in creating a work should be the first owner. In the AI context this theory supports ownership claims by the human user who invested creative effort in formulating prompts, curating outputs, and refining results. The user's labour is the most proximate correlative contribution to the final work, and the labour theory therefore suggests that the user should be the first owner of Copyright, and an AI assisted work that satisfies the originality requirement.

The labour theories application becomes more complicated where the AI developer's

[19] Copyright Act, 1957, s. 17
[20] Copyright Act, 1957, s. 17, proviso (a)
[21] John Locke, *Two Treatises of Government* (1689), Book II, ch. 5, §§ 25–51

contribution is considered. The developer has invested far greater resources in designing, training, and deploying the AI model than the user has in generating in any particular output. On a pure investment of efforts analysis the developer might have a strong ownership claim than the user. However the developer's effort is directed at the model itself rather than at any specific output and the model is typically already protected by a combination of trade secret law confidentiality agreements and, software Copyright. Extending the developers ownership to cover all outputs generated by the model would create a sweeping monopoly over a vast range of creative expression inconsistent with Copyright law's purpose of incentivizing individuals works rather than technological platforms.

5.3 The Personality Theory of Ownership

The personality theory of ownership[22] holds that Copyright in a work should vest in the person whose personality is reflected in its expression. Applied to AI, this theory supports ownership by the human user only where the user's creatives choices are generally expressive of the user's personality and creative identity. Where the user's contribution is minimal or generic the personality theory denies ownership as firmly as the labour theory does.

The personality theory also has implications for moral rights. Since moral rights protect the personal relationship between the author and the work, they are only meaningful where the relationship exists. For AI assisted works in which the human author's personality is genuinely reflected, Section 57's moral rights should be available. For fully AI generated works no moral rights arise because no human personality is rooted in that expression.

5.4 The Work-For-Hire and Commissioned Work Framework

Section 17 of the Copyright Act establishes a work-for-hire framework that may provide a partial solution to the AI ownership problem and commercial contexts. Where an employee uses an AI tool in the course of employment to generate a work that falls within the scope of their duties, the employer is the first owner of the Copyright in the human authored elements. This rule has clear application where AI is used as a tool by an employee and it provides a degree of certainty for businesses deploying AI in content creation.

However, the work-for-hire rule does not solve the basic problem of authorship. Before deciding who owns the Copyright, the law must first determine whether a human author exists at all. If no human author can be identified, Copyright does not arise in the first place. Section

[22] G.W.F. Hegel, *Philosophy of Right* (T.M. Knox tr., OUP 1952), §§ 41–71

17 only decides who owns an existing Copyright and it does not create Copyright where none exists.

CHAPTER VI: CONSTITUTIONAL GROUNDING

6.1 The Multidirectional Rights Conflict

AI generated works implicate multiple constitutional rights simultaneously and in tension. The original human authors write to property under Article 300A[23] and dignity under Article 21[24] pulls toward strong copyright protection and meaningful consent mechanisms the AI developer's right to carry on trade and business under article 19(1)(g)[25] pulls toward Reasonable access to training data and legal protection for AI outputs. The public's rights to information and expression under article 19(1)(a)[26] pulls toward Open access to AI generator knowledge and cultural protection. Article 14's equality guarantee requires that these rights be balanced in a manner that do not systematically advantage large technology companies over individual human creators or vice versa.

6.2 The Proportionality Standard as the Constitutional Method

The Supreme Court in Modern Dental College v. State of Madhya Pradesh (2016)[27] set-out a four-part proportionality test for restrictions on fundamental rights under article 19(6). The measure must have a valid goal, be logically connected to the goal, be necessary because there is no less restrictive option, and strike a fair balance between the individual's rights and the interests of the community. This test is the constitutional way to look at every proposed law in the areas of AI and Copyright.

The proportionality analysis shows that the DPIIT's proposed mandatory blanket licensing scheme with no-opt out mechanisms is unconstitutional. The goal of allowing AI to grow while paying creators is one that is beneficial. But taking away the rights holders' ability to refuse consent goes beyond what is necessary. A scheme with an opt out mechanism that is technically available to individual creators would achieve the same goal with less restriction on property rights. The fare balance part is also questionable a plan that makes rights holders agree to let their work be used but only pays them after they are sold is something that could take years or

[23] Constitution of India, 1950, Art. 300A
[24] Constitution of India, 1950, Art. 21
[25] Constitution of India, 1950, Art. 19(1)(g)
[26] Constitution of India, 1950, Art. 19(1)(a)
[27] *Modern Dental College and Research Centre v. State of Madhya Pradesh*, (2016) 7 SCC 353

never make much money for individual creators this does not fairly balance private rights and public interest.

Any legislative reform of Copyright for the AI age must therefore be stress tested against the proportionality standard at every stage of its design. The existence of a public interest in AI development is not sufficient to justify disproportionate restrictions on creators' rights. Both interests are constitutionally protected, and the law must accommodate both.

CHALLENGES

1. The Authorship Gap

The most fundamental problem is that the act has no answer to the question of who authors a fully AI-generated work. Section 2(d)(vi) Assigns authorship to the person who causes the work to be created, but in a modern generative ai workflow three separate parties that is the developer who built and train the model the deployer who made it commercially available and the user who wrote the prompt have equally contributed to the works contribution at different levels and at different stages. The provision does not say which of them prevails and no Indian court has yet answered the question.

The problem is compounded by the originality requirement. Even if one party is identified as the person who causes the work to be created, the eastern book company standard requires that the work reflect that person's own intellectual creation where the human contribution consists only a brief, generic prompt the prompt author may formally satisfy Section 2(d)(vi) but fail the originality test entirely. The result is a circular trap where the statutory authorship provision points to a human, but the constitutional originality standard denies them copyright leaving the work without any owner and immediately in the public domain. The joint authorship route under Section 2(z) offers no escape, it requires each contributor to be an author and an ai system cannot be an author under the Indian law.

2. The Ownership Gap

Even where authorship can be attributed the ownership framework fails Section 17's default rule that copyright was with the author cannot be applied until authorship is established the verb for hired exception under Section 17 provides certainty only where an employee uses ai as a tool within the scope of their employment duties. It says nothing about the developer-developer- user triangle that characterises most commercial AI use. Labour theory personality theory and the work for higher framework each point toward different claimant the law

currently has no principled mechanism for resolving that conflict.

3. The Moral Rights Gap

Section 57 of the act protects and authors right to claim authorship and to object a derogatory treatment of their work the Delhi High Court in Amar Nath Sehgal vs Union of India (2005)[28] held that these rights protect the Personal relationship between the author and their creative expression. The ANI v. OpenAI proceedings have exposed a dimension of this gap that Section 57 was never designed to address. For example, when ChatGPT produces text and attributes it to a journalist who never wrote it that journalist has suffered a cognisable injury to their authorial identity. The moral rights gap is therefore not just theoretical however it is already occurring in the Indian Courts.

RECOMMENDATIONS

1. Amend Section 2(d)(vi): Adopt a Tiered Authorship Test

Section 2(d)(vi) Should be replaced with a provision that expressly addresses the modern generative AI context the amended provision should establish a 2-tier test first stop in the first year where a human contributors create a choices are sufficient to satisfy the eastern book company originality standard That human contributor is the author and copyright subsist in their contribution. The work is to be treated as an ai assistant human authored work in the second tier where no human contributors' creative choices satisfy the originality standard the work is a fully ai generated work and enters the public domain upon creation. No statutory authorship fiction should be created for fully ai generated outputs this is the constitutionality correct outcome were copyright rewards human creativity not computational investment.

The amended provision should also include a clear priority rule for the first year where multiple human contributors satisfy the original standard the user who formulated the creative prompt and selected and curated the output is presumed to be the first author, subject to agreement to the contrary. This resolves the deployer-deployer-user conflict without requiring case-by-case litigation.

2. Amend Section 17: Clarify Ownership in AI- Assisted Commercial Contexts

Section 17 should be amended to add a specific provision addressing ai assisted works produced in commercial contexts where an ai assisted work satisfies the first year of amended

[28] *Amar Nath Sehgal v. Union of India*, 117 (2005) DLT 717 (Delhi High Court)

Section 2(d)(vi). And the word is produced in the course of a commercial agreement where employment commission or platform terms of service Exists the ownership rules should follow the existing work for higher logic with one modification That is the terms of service agreement between an ai platform and its users should not by themselves be sufficient to transfer ownership from the user to the platform developer unless the agreement expressly and conspicuously says so. This prevents ai platforms from claiming blanket ownership of all user generated outputs through fine print which would constitutionally problematic under article 300 A and 19(1)(g)

3. **Extend Section 57**

Section 57 should be amended to add a new subsection providing that it is an infringement of an author's moral rights for any person to publicly attribute a named human author and hework statement or expression that the author did not create including where such claim results from the output of Ai system. The provision should further clarify that authors write to claim authorship includes the right to disclaim authorship of AI generated content firstly claim to them and that this write is available regardless of whether the false claim results from an intentional act or from the automated output of an ai system. This reform is constitutionally grounded in Article 21's guarantee of personal dignity and autonomy.

CONCLUSION

This paper set out to answer a deceptively simple question that is who is the author and owner of a work generated by an artificial intelligence system under the India copyright law? The answer after a systematic examination of the statutory framework, the judicial doctrine, the comparative evidence, and the constitutional structure, is both clear and uncomfortable under India's current law no satisfactory answer exists.

Section 2(d)(vi) A science authorship to the person who causes the work to be created but in the generative AI workflow, three parties i.e. the developer, the deployer and the user Each have caused the work to be created in different senses and at different levels. The provision does not resolve the conflict between them. The eastern book company originally standard which requires the author's own intellectual creation is theoretically coherent but practically produces a circular problem. This problem is the party who formally satisfies this section may not satisfy the originality threshold and the party whose creative choices are most original may not satisfy the statutory authorship definition. The joint authorship route is closed because ai

systems cannot be authors. Section 17 Work for higher framework does not create copyright where none yet exists.

The comparative analysis highlights the conclusion that there are not problems of essential originality but of statutory model. The United States through Thaler v. Perlmuter and the copyright offices 2025 report, has settled the human authorship requirement as a matter of federal law but left the precise threshold for human contribution unresolved. The United Kingdom's Section 9(3) CDPA offers a legislative model for filing the authorship gap for fully AI generated works but its failure to identify which of the many parties in the AI workflow makes the necessary arrangements has produced uncertainty. The EU's CDSM Directive addresses training data more cognitively than authorship and the European Parliament's rejection of sui generis rights for ai outputs confirms that no jurisdiction has found a satisfying path to protecting fully autonomous ai works without undermining the human creativity principle.

India's position is unique in one critical respect That is its copyright framework is constitutionally embedded in obey that those of the United States and the United Kingdom are not. The human creativity requirement is not merely a statutory policy choice that Parliament can reverse rather it is grounded in the constitutional protection of human dignity under article 21, the property rights guarantee under article 300A and the proportionality standard that the Supreme Court has applied to all restrictions on fundamental rights. Any legislative reform must pass that constitutional test the DPIIT's December 2025 Working Paper is a serious and welcome beginning to the legislative conversion but its proposal for mandatory licencing without opt out mechanisms fails the proportionality standard because it eliminates the right holders' ability to withhold the consent.

The three reforms proposed in this paper that is a tiered amendment to Section 2(d)(vi), a clarified ownership role under Section 17 for commercially AI assistant works and an expression extension of Section 57 to cover ai generated false attribution; are each individually modest in scope. Together, they provide a constitutionally coherent framework that preserves the human creativity requirement resolves the authorship conflict in the generative ai workflow protects creators' moral rights in the AI age and provides the commercial certainty that India's creative industries urgently need. The ANI v. OpenAI Proceedings will provide the first judicial framework for some of these questions, but account ruling cannot substitute for legislation. Only parliament can enact the reforms this paper has proposed, and the urgency of doing so increases with every AI generated work that enters India's creative economy today without a legal author and identifiable owner or a protected creator.

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