

# AI-generated Creative Works and Copyright Law: A Comparative Study Between US, EU and India

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## **Abstract**

*The fast expansion of AI and its increasing capability of creating work and modifying music, art, and literature has made a big hurdle for properly enforcing copyright law. This paper dives into the murky legal water surrounding AI-generated creation and a comparative review of copyright laws in India, the USA, and EU, to explore more about the differences and similarities between the statutes, and discuss the pros and cons. This paper explores the evolving landscape of copyright protection, addressing key questions such as ownership of AI-generated works, protection from copyright infringement, etc. By examining the distinct and unique approaches adopted by these jurisdictions. The purpose of this research is to contribute to the ongoing discussion, on the legal framework necessary to accommodate the rapid advancements in AI technology while safeguarding the interests of human creators. Furthermore, this paper will also discuss the legal recognition of AI as co-author or sui generis copyright protection for AI outputs and the potential impact on human creativity. This research seeks to address the ongoing challenge of the intersection of Law and technology, providing insight for legal petitioners, industrial stakeholders, and policymakers.*

**Keywords:** *AI-generated works, copyright law, India, USA, Europe, authorship, originality, intellectual property.*

## **Introduction:**

A whisper caught in morning's gleam,  
Dew-kissed petals, a fleeting dream. Nature's canvas, soft and clear,  
Where shadows dance and hopes appear.  
A gentle breeze, a soulful sigh,  
As daylight fades, and stars draw nigh.  
In quietude, the spirit finds,  
Tranquility in nature's binds

In this above snippet, William Wordsworth appears to emphasize the beauty of nature in artistic expression, although the poem is itself fabricated, conjured up from a brief prompt. While the verse may resemble William Wordsworth's renowned style to the untrained eye, those familiar with the work would recognize it as creation of imagination, not his pen.

The emergence of Artificial intelligence and its capacity to create artistic works has pushed forward a new era of possibilities while also posing challenges within the framework of intellectual property law. As we know the copyright law was originally formulated to govern human authorship but now it found itself struggling with the complexities presented by the works produced by the AI system. The relationship between AI and Art has rapidly evolved. Primarily AI was a tool to help creators with their artistic work like image enhancement, color correction, or generating initial drafts but now AI has moved from a helping tool to the creator itself. AI can create new artworks, music, or even written pieces with minimal human intervention. This shift from a mere helping tool to the creator itself, AI has challenged the traditional notion of creativity as an exclusively human domain. <sup>1</sup>

## **Research Methodology:**

This article uses a qualitative research methodology; it is a theoretical research study in which secondary information from various writers and researchers was used to gather the necessary data. Books, journals, newspapers, and various reports on the subject as well as related publications were examined by the researcher, whose name is mentioned. The format of the Oscola 4th edition is adhered to by the article.

## **Literature review:**

"History and Evolution of Copyright in India" is an article written by Suvrashis Sarkar in the year 2016. In this article Suvrashis Sarkar depicts that Examining the history and development of a subject is essential for acquiring a comprehensive understanding of that field. As part of the research of the nation's intellectual property rights (IPR) management system, this document offers a succinct synopsis of the development and history of copyright in India.

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<sup>1</sup> Interaction design foundation, AI generated work , <https://www.interaction-design.org/literature/topics/ai-generated-art> (accessed 19 August 2024)

In “copyright, its history and its law” a book which is written by Richard Roger Bowker provides an in-depth exploration of the evolution and legal foundations of copyright. The book traces the development of copyright law from early regulations in England to modern legislation in the United States. Bowker examines key cases, legal principles, and international influences that shaped copyright. He also discusses the balance between protecting creators' rights and ensuring public access to knowledge. The work serves as a comprehensive guide to understanding copyright’s legal framework and its societal impact.

“EU Copyright law, an ancient history, a contemporary challenge” is an article written by Tatiana-Eleni Synodinou in the year 2023 , The history of copyright law significantly influences modern regulation, especially in response to technological changes, forming a dialectical relationship between the two. As new technologies emerge, copyright law initially resists but later adapts to accommodate new ways of using works. In the EU, copyright law has evolved through legislative interventions and the Court of Justice's rulings, particularly with directives like the Information Society Directive and the Digital Single Market Directive. Despite these advancements, exceptions and limitations to copyright have lagged, especially in the digital era.

"The 1957 Copyright Act" Daisy Jain and Shalu Gothi wrote this article. This page provides a general overview of the copyright laws in India.

### **Copyright Law in India :**

Britishers implemented India's first copyright legislation in 1847<sup>2</sup> as “Indian Copyright Act 1847” it was repealed and replaced by the “ Copyright Act 1911” This was extended to all British colonies , including India. Further, It had been changed. in the year 1914 (Indian Copyright Act 1914) in the year 1957 after independence Indian parliament replaced the existing law with the Copyright Act, 1957. Copyright is principally meant to advance research and useful art while compensating writers for their efforts. In order to do this, copyright permits people to freely build upon the ideas and data presented in a work while safeguarding the creative expression of authors. The law of copyright has two main objectives. Governments first and foremost enacted copyright rules to safeguard the creative expression of writers, composers, artists, designers, and other creatives, as well as producers of motion pictures and sound recordings, who risked their livelihoods to make their works available to the public. Second, copyright laws enable others to freely expand on the knowledge and recommendations contained in a work. Additionally, it allows for some unfettered applications for copyrighted material. The extent of these permitted uses is specified by the Copyright Act of 1957. To maximize the harmony between the rights of the copyright holder and the welfare of individuals in the interests of society, the Act contains limitations relevant to free use. In *Sulamangalam R. Jayalakshmi v. Meta Musicals*<sup>3</sup>, Chennai (2000), the Madras High Court ruled that "copyright law is to protect the fruits of a man's effort, labour, talent, or test from annexation by other persons."

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<sup>2</sup> Suvrashis Sarkar, 'History and Evolution of Copyright in India' (2016) University of Mumbai

<sup>3</sup> *Sulamangalam R. Jayalakshmi v. Meta Musicals* (2000) AIR 2000 MAD 454, AIR 2000 MADRAS 454, 2001 (1) COPYTR 73 (2000) 3 MAD LW 38, (2000) 3 MAD LW 38

Some of the important and distinct features of the Copyright Act 1957 include<sup>4</sup> :

- Provisions to establish ownership.  
Section 17<sup>5</sup> of the Copyrights Act of 1957 states that The original copyright holder is typically the creator of the work. When an employee develops anything as part of their employment, there is an exemption; in such instance, the employer is the owner of the copyright. Author's scope of rights: Sound recordings, motion pictures, and literary, musical, and creative works are all protected by Section 13 of the Copyright Act of 1957. Literary works, including books, manuscripts, poems, and theses, are protected by the Act. Original works of theater, music, art, cinema, and sound recordings are protected from illegal use by the Copyright Act of 1957. Unlike patents, copyright safeguards statements rather than concepts.
- Civil and criminal remedies.  
The legal measures available for copyright infringement cases are addressed in Section 55 of the Copyright Act of 1957. These civil remedies include of damages for conversion, removal and transfer of copies that violate the law, accounts interpretation, injunctions, and compensation. The criminal penalties for copyright infringement are outlined in Section 63 of the Copyright Act of 1957. These criminal penalties might involve fines, incarceration, seizures, and searches. The maximum fine is between 50,000 and two million rupees, and the maximum sentence for jail is three years, albeit it cannot be less than six.
- creation of offices and boards for copyright  
Furthermore, the Copyright Act of 1957 stipulates the establishment of a copyright board to assist in resolving copyright-related issues and a copyright office, headed by the Registrar of the Copyright, for the registration of books and other "works" of art. The establishment of an office designated as the Copyright Office for Act purposes is mandated under Section 9 of the Copyright Act, 1957. The Copyright Board was formed by Section 11 of the Copyright Act of 1957.
- Protection of AI-generated works under Indian copyright law:  
Human Authorship Requirement: According to Section 17<sup>6</sup> of the Copyright Act, 1957, Indian law limits the concept of "persons" to natural persons and recognizes only human beings as authors. Consequently, ChatGPT or any other AI cannot be regarded as the author.  
Developer's Rights: Depending on the "Terms of Use" they establish, the developer (such as OpenAI) may have rights over content produced by AI. Nonetheless, ChatGPT and the majority of AI tools generally do not claim ownership of the output produced by their systems.  
Prompt Rights of the Giver: Under Section 2(d)(vi)<sup>7</sup> of the Copyright Act 1957, which acknowledges authorship of Works created by computers or generated through computer systems as belonging to the person who causes the creation, the prompt giver may be

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<sup>4</sup> Ipleaders, Copyright Act, 1957 , [https://blog.ipleaders.in/an-overview-of-the-copyright-act-1957/#Historical\\_development\\_in\\_India](https://blog.ipleaders.in/an-overview-of-the-copyright-act-1957/#Historical_development_in_India)(accessed (19 aug 2024)

<sup>5</sup> the Copyright Act of 1957 s 17

<sup>6</sup> the Copyright Act of 1957 s 17

<sup>7</sup> the Copyright Act of 1957 s 2(d)(iv)

regarded as the author. A one-line prompt, though, might not be enough to demonstrate the necessary degree of "originality" for copyright protection.

The case of RAGHAV<sup>8</sup>:

A noteworthy case involving an AI system dubbed "RAGHAV" and its effort to obtain copyright registration for an artwork named "Suryast" was brought before the Indian Copyright Office in 2020. The painting was first turned down since it didn't have a human author, but it was eventually accepted when 'RAGHAV' was listed as co-author with a real person. A withdrawal letter was then sent out, requesting an explanation on the legal standing of 'RAGHAV,' thereby drawing attention to the uncertainty surrounding AI's eligibility as an artist under the Copyright Act.

### **Copyright Law in the USA:**

The first copyright legislation was passed under the new US Constitution<sup>9</sup> on May 31, 1790. According to US copyright law, original works of authorship are protected as a form of intellectual property once the creator records them in a tangible medium<sup>10</sup>. Copyright law covers a wide range of works, including plays, architectural designs, books, poetry, blog posts, sound recordings, photos, illustrations, musical compositions, and more. Everybody has a copyright. You are the author and proprietor of an original work after you make corrections to it, such as when you take a picture, write a poem or blog post, or record a new song.

In addition to the author of the work, Companies, associations, and other people could also be in possession of a copyright. Employers are able to claim ownership of their employees' creations under copyright laws. While they are working for them because they are "works made for hire." For specific kinds of commissioned works, the work created for hire doctrine also applies to certain partnerships between independent contractors.

These exclusive rights are granted under US copyright law. :

- Reproduction rights in copies or on audio recordings
- Can prepare a derivative work from a pre-existing work
- The ability to perform their work in public is granted to copyright holders. This holds true for a variety of artistic mediums, such as dance, theater, musicals, and film. In essence, this privilege forbids anybody from displaying or performing the piece without authorization.
- The right to exhibit one's work in public is granted to copyright holders. This covers components from movies and other audiovisual material as well as visual arts including paintings, sculptures, and photos. This right basically forbids anybody else from displaying the work without authorization. pause it

<sup>8</sup> Ankit Sahni (2020)

<sup>9</sup> U.S copyright office, A Brief History of Copyright in the United States <https://www.copyright.gov/timeline/> (accessed 17 aug 2024)

<sup>10</sup> Richard Rogers Bowker , copyright, its history and its law , 1st Edition , 2020

- Copyright owners have the exclusive right to publicly play sound recordings through digital means. This means that those who own the rights to a song can control how that song is played on platforms like streaming services.

The date of creation determines how long a work is protected under copyright. Currently, a copyright protects works created on or after January 1, 1978, for as long as the creator lives plus an additional 70 years after the creator's death. The phrase is valid for 70 years after the final surviving author of a collaborative work passes away. Works made for hire, works published after 120 years of production, anonymous or pseudonymous works, and works generated for hire are all protected by a 95-year copyright. The pieces that before 1978 fall under a distinct category.

According to US law, the author of artistic creations with fixed authorship in a physical medium automatically owns the copyrights to those works immediately upon creation (17 US Code §201). The US Court of Appeals for the Ninth Circuit ruled in *Naruto v. Slater*<sup>11</sup>, popularly known as the "monkey selfie" case, in 2018 that a monkey does not own the copyright in a photo it took of itself. Nevertheless, US copyright law has been repeatedly interpreted to require human authorship for that ownership. The US District Court for the District of Columbia upheld the lack of ownership for works produced by an artificial intelligence program that plaintiff Stephen Thaler constructed in *Thaler v. Perlmutter* (2023). In spite of this, Thaler deliberately limited the creative potential of humans in this fact pattern and highlighted the machine's involvement. Notably, the US Copyright Office—which is currently our primary source of guidance for individuals seeking copyright ownership of works they developed with the aid of generative AI tools—has established through a series of case laws and guidelines that there is no ownership of AI-generated works by anyone under current US law. not by the AI tool's creators, not by the user entering the Prompt (instructions) to generate the job, nor by the tool itself. Because of this, it is now believed that these works are in the public domain and not covered by copyright. Further guidelines were released by the US Copyright Office, stating that "a work containing AI-generated material will also contain sufficient human authorship to support a copyright claim," in the event that an author had creatively arranged or significantly altered AI-generated works. The human-authored portions of the work, on the other hand, are "independent of" and "do not affect" the copyright status of the AI-generated content itself, therefore in these situations, copyright will solely protect those portions of the work. In order to ensure that only human-authored content is awarded protection, the US Copyright Office needs the recognition of both Content produced by AI and humans in works that are submitted for registration. For example, the comic book "Zarya of the Dawn" was granted registration by the US Copyright Office for the text, image arrangement, and text selection, provided that the applicant, Kris Kashtanova, attested to having sole responsibility for those aspects. Nevertheless, the office rejected protection for photographs produced with Midjourney, a platform for generative AI art. The US Copyright Office reiterated in the same cautionary letter that underlying original works are protected notwithstanding technical developments.

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<sup>11</sup>*Naruto v. Slater*(2018)No. 16-15469 (9th Cir)

Finally, the current regulations on "sufficient human authorship" might make it easier in the future to provide copyright protection for works—or portions of works—produced by artificial intelligence. But as of right now, the US cannot ensure that works created by AI will be protected.

### **Copyright Law in E.U :**

First things first: copyright is regulated by a variety of national laws that are unique to each Member State of the European Union (EU); there is no single, overarching copyright law. Historically<sup>12</sup>, the EU has not prioritised copyright harmonisation, partly because of barriers including linguistic and cultural diversity and the small possibility for profit from cross-border sales of literary and creative works. Nonetheless, EU legislation now places more emphasis on copyright because of the growing economic significance of copyright-protected works, which is mostly attributable to the development of databases, computer programs, and new communication technologies. Consequently, the EU has passed rules mandating that Member States unify their copyright regulations. The Berne Convention has been approved by every member state of the European Union, whose principles form the basis of EU copyright law, including includes harmonization regulations. Thus, the EU's framework for copyright law is the product of international efforts to unify the various copyright regimes of its Member States. Because there isn't a common EU copyright, the national laws of each Member State offer different levels of protection for the same work. All forms of expression in the literary, scientific, and creative domains are included in the broad definition of literary and artistic works included in Article 2 of the Berne Convention. This covers a variety of artistic mediums, including books, talks, paintings, maps, plans, and musical compositions. Translations and other adaptations of literary or artistic works are examples of derivative works to which the Convention also provides protection. Through judicial interpretation, the Court of Justice of the European Union (CJEU) has been instrumental in recent years in promoting the harmonization of copyright law throughout the EU, especially with regard to the originality criterion, which is a cornerstone of copyright. Notably, the CJEU defined a general standard of originality as "the author's own intellectual creation" applicable to all works under EU copyright law in the Infopaq case and subsequent opinions. This interpretation demonstrated the CJEU's active role in advancing EU integration through legal harmonisation by expanding the originality criterion beyond computer programs, databases, and photos. Although it permits longer durations, the Berne Convention stipulates that copyright shall be in effect for at least 50 years following the death of the author. In order to harmonise copyright terms among EU Member States, the EU chose the lengthier route, extending copyright protection to 70 years<sup>13</sup> after the author's passing through the Copyright Duration Directive. When more than one author contributes to a work, the protection period lasts for 70 years following the passing of the last surviving author. In most cases, copyright protection in the EU arises naturally and doesn't require registration, according to national

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<sup>12</sup> Tatiana-Eleni Synodinou, 'EU Copyright law, an ancient history, a contemporary challenge' (2023) University of Cyprus

<sup>13</sup> European union ,Copyright, [https://europa.eu/youreurope/business/running-business/intellectual-property/copyright/index\\_en.htm#:~:text=In%20EU%20countries%2C%20copyright%20protects,a%20work%20of%20joint%20authorship.\(accessed 19 aug 2024\)](https://europa.eu/youreurope/business/running-business/intellectual-property/copyright/index_en.htm#:~:text=In%20EU%20countries%2C%20copyright%20protects,a%20work%20of%20joint%20authorship.(accessed 19 aug 2024))

copyright legislation. A variety of exclusive or "economic" rights are granted by EU copyright law in relation to works that are protected, together with neighbouring rights for those who have particular connections to the protected works. In addition to rights pertaining to leasing, lending, broadcasting, and the duplication and distribution of computer programs, these rights also cover the rights of reproduction, distribution, and public communication. Many EU Member States acknowledge the idea of moral rights (*droit d'auteur*), which originates from French and Continental European traditions, in addition to economic rights. Even in cases where the copyright has been transferred, these rights guard the creator's reputation and artistic integrity by forbidding third parties from altering or distorting the work without the author's consent. The rights to integrity, attribution or paternity, disclosure, and retraction or withdrawal are the four main categories into which moral rights fall. The choice of whether and to what degree to recognize moral rights rests with EU member states. Different EU nations have different levels of protection for moral rights; the Nordic countries generally follow the minimum standards stipulated by the Berne Convention, whereas France and Germany offer comprehensive protection. The disparate moral rights theories that underpin national copyright regimes have made it difficult to implement the minimum harmonization of moral rights that some legal scholars have asked for throughout the EU. The principle of exhaustion, which states that the author's right to prohibit subsequent resale of an original work or copy with their consent expires from the first sale, is another feature of EU copyright law. The CJEU established this idea in the *Deutsche Grammophon* decision, and the InfoSoc Directive's Article 4(2) later formalized it. The European Union (EU) imposes some limitations on copyright through specific exceptions included in the InfoSoc Directive's Article 5, permitting the unapproved use of copyrighted works for public objectives, such as promoting research, education, and culture, even in the absence of a "fair use" concept similar to that which exists in the US.

The safeguarding of works generated by AI under European copyright law<sup>14</sup> :

Given the particular difficulties presented by the nexus of traditional copyright principles and artificial intelligence, the protection of AI-generated works under EU copyright law is a complicated and dynamic matter. The primary foundation of EU copyright law is a set of harmonising guidelines derived from global agreements such as the Berne Convention. "Literary and artistic works" that satisfy the originality requirement—which is characterised as "the author's own intellectual creation"—are safeguarded by this framework. But since traditional copyright law presumes that the work was created by a human author, it is unclear how or if AI-generated works fall within this legal framework. Determining authorship is a major obstacle to AI-generated works being protected under EU copyright law. It is unclear how this principle applies to works produced by AI because copyright is often awarded to a human creator. It has been established by the Court of Justice of the European Union (CJEU) that works protected by copyright must be the product of human intellectual creation. Since AI-generated works are created by algorithms without direct human involvement or

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<sup>14</sup> University of British Columbia, The protection of AI-generated works under European copyright law : toward adoption of a neighbouring rights approach (accessed 19 aug 2024)



creativity, this criterion presents a substantial challenge. If a human creator uses AI only as a tool, they can still be regarded as the work's author as long as they have enough creative control over the process. When AI creates content on its own, though, it raises the question of whether or not it can be legally protected by copyright laws already in place and whether or not it can be traced to any specific person or entity. Moral rights, including the right to be credited and the right to maintain the work's integrity, safeguard the author's reputation and personal interests. They are acknowledged in several EU member states. These rights are particularly difficult when applied to AI-generated works because they are fundamentally linked to human authorship. The protection of content created by AI is made more difficult by the fact that present EU legislation does not acknowledge the idea of an AI having moral rights. The core of copyright law is economic rights, including the rights to distribution, reproduction, and public communication. It needs to be decided who would own the rights if AI-generated works were to be protected by EU copyright law—the programmer, the user, or another entity. This ambiguity might make it more difficult to commercially exploit works created by AI.

Because human creativity and originality are prerequisites for copyright protection under EU law, AI-generated works now have considerable obstacles in this regard. The EU may need to take into account additional legislative measures as AI technology develops in order to safeguard these creations and make sure that copyright laws are upheld while allowing for commercial use.

### **Comparative Analysis :**

Similarities and differences between Indian, American, and European copyright laws in relation to AI-generated works

#### **Similarities -**

**Human Authorship Requirement:**The foundation of copyright laws in the US, the EU, and India is the idea that human creative labor should be rewarded and encouraged. Copyright promotes creativity and the creation of creative works by giving artists the exclusive right to their creations.AI-generated creations lack human authorship, which leaves a big hole in the present copyright legislation. Legal frameworks are becoming more and more necessary as AI technology develops to handle the issues raised by AI-generated material.

**Originality Standard:**AI-generated works face a major obstacle in the form of the necessity of originality as a cornerstone for copyright protection in countries such as the EU, the U.S., and India.The protection of AI-generated works is severely hampered by the conventional copyright system, which is based on human ingenuity. An more sophisticated legal strategy is required to handle these problems as AI technology develops.

**International Treaties:** The copyright laws of the United States, the EU, and India have all been greatly impacted by the TRIPS Agreement and the Berne Convention, creating a common framework for intellectual property protection. Although a foundation for copyright protection has been established by the TRIPS agreement and the Berne Convention, the quick development of AI has created new difficulties. When it comes to AI-generated works that

are created without human participation, the conventional emphasis on human authorship and creativity leaves a vacuum. Although the EU, the US, and India all have copyright protection under the Berne Convention and TRIPS, the applicability of these legal doctrines to artificial intelligence (AI)-generated works is still developing and needs more explanation.

**Lack of AI-Specific Legislation:**At the moment, there are no clear legal frameworks in the EU, the US, or India that particularly address copyright protection for works created by AI. Due to this absence, there is a sizable legal vacuum that might cause disagreements.

**Causes of the Difference**

- **Quick Developments in Technology:** Legislators are finding it difficult to keep up with the fast advancement of AI compared to the legislative process.
- **The traditional copyright framework is unable to handle the intricacies of information created by artificial intelligence (AI) because it mainly concentrates on human authorship and originality.**
- **Difficult Legal Concerns:** There are many complex legal concerns surrounding the ownership, originality, and extent of protection of works created by artificial intelligence.

### **Difference:**

1. **Approach to Moral Rights :** The diverse ways that the US, the EU, and India view moral rights draw attention to the divergent philosophies that underlie copyright laws in these three regions.
  - **EU: Prioritizing Moral Rights -** EU copyright law is based on the notion of "droit d'auteur," or moral rights. Strong protection is provided for an author's personal and intangible link to their work by nations like Germany and France. Attribution, honesty, and the ability to resist unfair treatment are examples of rights.
  - **India: Moderate Moral Rights Protection -** India acknowledges moral rights under section 57<sup>15</sup> of the Indian Copyright Act, 1957, although they are not as broad as they are in the EU. The integrity and attribution rights stipulated in the Copyright Act have not always been upheld. One aims to strike a balance between moral and economic rights.
  - **US: Limited Moral Rights Protection<sup>16</sup> -** The Visual Artists Rights Act (VARA) restricts moral rights to specific works of visual art, meaning that the US primarily prioritizes commercial rights. This strategy, which emphasizes financial incentives for invention, is in line with the utilitarian interpretation of US copyright law.

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<sup>15</sup> Indian Copyright Act, 1957 s 57

<sup>16</sup> Copyright law.com , Moral Rights in U.S. Copyright Law, <https://www.copyrightlaws.com/moral-rights-in-u-s-copyright-law/#:~:text=Unlike%20Berne%2C%20VARA%20protects%20only.Paintings> , (accessed 19 aug 2024)

## 2. Judicial Interpretation and AI -

- **The CJEU: An Proactive stance(EU)**  
In defining the parameters of copyright law, especially with regard to digital technology, the CJEU has been proactive. Because of its originality findings, a strong framework for determining whether works in the digital era are protected by copyright has been established. The EU will be in a better position to handle the issues raised by AI-generated material thanks to this proactive approach.
- **Indian Courts: A Cautious Approach**  
When it comes to addressing the intricacies of AI and copyright, Indian courts have been comparatively sluggish to react. A cautious approach to this developing profession is reflected in the lack of landmark cases in this sector. Although the notion of originality is acknowledged under Indian copyright law, its applicability to AI-generated works has not yet been thoroughly investigated.
- **US Courts: A Recent Engagement**  
Cases rejecting copyright protection for works created by AI show that the US judiciary is starting to address the copyright and AI controversy. 1. But the law is continuously changing, and it is still unclear how AI will affect copyright laws in its entirety.

## 3. Duration of Copyright:

The length of a copyright has been standardized by the EU for all of its member states, usually offering protection for 70 years following the death of the author. This 70-year posthumous protection is likewise observed in India. The duration of copyright varies in the United States based on the type of work and whether it was made as a work-for-hire, but in general, the durations are comparable.

## 4. Cultural and Economic Influences:

- **India: Cultural Preservation and Balance<sup>17</sup>**  
India's rich cultural legacy is fundamental to the country's copyright laws. Preserving folklore, traditional knowledge, and creative expressions is highly valued. Although it acknowledges the value of economic rights as well, the law frequently favors safeguarding cultural assets.
- **US: Commercial Focus and Economic Incentives<sup>18</sup>**  
Economic factors are the primary driving force behind US copyright laws. It strives to defend intellectual property rights strongly in order to promote innovation and creativity.

<sup>17</sup>Arooj, Memorandum on Understanding Copyright Law in India, <https://arooljlaw.com/kb/memorandum-on-understanding-copyright-law-in-india/> (accessed 19 aug 2024)

<sup>18</sup> US department of state , Intellectual Property Enforcement , <https://www.state.gov/intellectual-property-enforcement/> , (accessed 19 aug 2024)

The focus is on safeguarding the financial interests of copyright holders and encouraging the production of new works.

- **EU: Balancing Cultural and Commercial Interests**

The EU finds a middle ground between commercial exploitation and cultural preservation. The EU acknowledges the value of cultural heritage while placing a heavy focus on innovation and safeguarding the creative industries. The way the EU views moral rights and several copyright exceptions reflects this.

#### 5. AI-Specific Legal Proposals:

In fact, the EU has been more aggressive in addressing the way that copyright and AI interact. For example, rules pertaining to data governance, transparency, and responsibility included in the future AI Act may have an indirect effect on copyright concerns. The EU is positioned as a worldwide leader in AI legislation thanks to its progressive strategy.

- **EU:** Places a strong emphasis on high-risk AI applications and a risk-based methodology. include clauses pertaining to accountability, transparency, and human monitoring.
- **US:** Mostly uses a case-by-case methodology, emphasizing the defense of business interests. The regulatory landscape is increasingly dispersed, with several agencies participating.
- **India:** The country is still in the early phases of creating a thorough legal framework for AI. The current priority is encouraging the use of AI while managing any hazards.

#### **Recommendations:**

Clear rules and standards may be included into copyright laws in the USA, EU, and India to better manage the potential and difficulties presented by AI-generated works. Here are tailored recommendations for each region:

1. **United States :**

- a. **explanation of Ownership and Authorship:**

It is advised that a legal framework be established to specify who is deemed the creator of works created by artificial intelligence. The programmer can be identified, the user can guide the AI, or a new category for AI authorship can be established. Legislation or thorough advice from the US Copyright Office may be required for this.

**Justification:** Non-human authorship is currently not recognized by the U.S. Copyright Office, which leads to uncertainty in material produced by AI. It will be easier to determine who owns and protects such works if there are clear definitions.

b. Adaptation of Fair Use Doctrine:

It is suggested that the fair use concept be modified to take into consideration AI-generated works. This might involve establishing explicit rules for the appropriate uses of AI-generated content, especially in transformative works.

Justification: To keep original works safe while promoting innovation, it is imperative that the rules governing fair use of AI-generated content be made clearer as technology advances.

c. Incentives for AI Innovation:

It is suggested that incentives be implemented, such as grants or tax breaks, to encourage the creation of AI systems that uphold copyright regulations and promote the rights of authors.

Justification: Promoting the creation of AI while keeping copyright issues in mind may both encourage innovation and protect intellectual property rights.

## 2. European Union

a. Harmonization of Moral Rights Across Member States:

To guarantee consistency, set a minimal baseline for the protection of moral rights throughout the EU, especially for works created by AI.

Justification: Different Member States' approaches to protecting moral rights result in disparities in the handling of information produced by artificial intelligence. Harmonization would guarantee that the EU as a whole respects artists' rights consistently.

b. Development of an AI-Specific Copyright Directive:

Create and put into effect a regulation that addresses AI-generated works specifically and specifies guidelines for content authorship, ownership, and the length of protection.

Justification: The special difficulties presented by AI-generated works are not adequately covered by the EU's current rules. A specific directive would offer consistency and clarity across the Member States.

c. Encouraging Collaborative Innovation:

Encourage public-private partnerships aimed at creating AI systems that respect copyright laws while encouraging ingenuity and originality.

Justification: Governments, universities, and businesses working together can create AI systems that are creative and sensitive to copyright regulations.

## 3. India

a. Legal Recognition of AI-Generated Works:

It is suggested that the Indian Copyright Act, 1957 be amended to incorporate clauses that acknowledge works created by artificial intelligence (AI), maybe granting authorship to the AI's inventor, user, or a new category.

Justification: There is legal uncertainty since AI-generated content is not covered by the present legislation. Acknowledgment within the legal system will offer clarification and safeguard the interests of those involved.

b. Strengthening Moral Rights:

It is recommended that moral rights be better protected in India, especially with regard to AI-generated works, so that authors have control over how their creations are utilized or altered. Justification: By preserving the integrity of creations that artificial intelligence may modify or repurpose, strengthened moral rights would help protect the reputations of those who create them.

### **Conclusion:**

While the United States, the European Union, and India all have copyright laws that are based on similar principles—such as placing a strong focus on human creativity and originality—their approaches to the new issues offered by artificial intelligence diverge greatly, according to the comparative research. The EU is positioned as a pioneer in modifying copyright rules for the digital era due to its proactive approach, especially with the CJEU and impending AI regulations. The United States adheres to a more conventional view, relying on case law to direct the incorporation of artificial intelligence into copyright safeguards. India is only now beginning to address AI-related copyright law concerns, despite acknowledging the significance of both moral and economic rights. These areas will have to decide if their current legal frameworks are appropriate to safeguard both human creators and the creative outputs produced by AI systems, or if new laws are necessary as AI technology develops.

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