

Authorship, Infringement, and Liability in the Age of Unregulated Generative Artificial Intelligence: Rethinking Copyright and Data Governance in India

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Introduction

- Rise of Generative AI (GenAI)
- Transformation of digital ecosystems
- Legal challenges in authorship & copyright

Research Problem

- Lack of AI-specific laws in India
- Conflict between AI outputs & copyright law
- Uncertainty in liability

Objectives of the Study

- Examine authorship issues
- Analyze copyright infringement risks
- Study liability distribution
- Suggest regulatory framework

What is Generative AI?

- AI systems generating text, images, music
- Based on machine learning models
- Examples: Chatbots, image generators

Key Legal Challenges

- Ownership ambiguity
- Lack of human creativity
- Data usage concerns
- Accountability issues

Indian Legal Framework

- Copyright Act, 1957
- IT Act, 2000
- Absence of AI-specific legislation

Concept of Authorship

- Defined as “person who creates work”
- Human-centric approach
- Problem with AI-generated content

Originality Doctrine

- Based on skill and judgment
- AI lacks human intellect
- Legal grey area for AI outputs

AI-Generated Works

- Fully autonomous vs human-assisted
- Who owns AI-generated content?
- Developer vs user debate

Training Data Issues

- AI trained on large datasets
- Use of copyrighted material
- Lack of consent

Copyright Infringement

- Substantial similarity test
- Risk of copying existing works
- Difficulty in proving infringement

Fair Use / Fair Dealing

- Limited scope in India
- Not designed for AI training
- Legal uncertainty

Liability Challenges

- Multiple stakeholders involved
- Developer, platform, user
- No clear liability rules

Intermediary Liability

- Safe harbour provisions
- Not suitable for AI-generated content
- Need for reform

Comparative Perspective

- USA: AI copyright guidance
- EU: AI Act proposal
- Global regulatory trends

Data Governance Issues

- Privacy concerns
- Use of personal data
- Lack of transparency

Policy Gaps in India

- Dependence on soft laws
- Lack of enforcement
- Judicial limitations

Recommendations

- Define AI authorship legally
- Regulate training data usage
- Tiered liability model
- Transparency requirements
- AI regulatory authority

Conclusion

- AI challenges traditional copyright
- Need for hybrid legal framework
- Balance innovation & accountability
- India's opportunity for global leadership