

The Ethics of Autonomous Art: Artificial Intelligence, Creativity, and the Future of Human Expression- A Doctrinal, Philosophical and Empirical Analysis

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Abstract: Artificial Intelligence (AI), has radically changed the creative industries as it has allowed creating artistic, literary, and multimedia pieces with little human input. Although current copyright policies do a good job at tackling concerns on authorship and property rights, they still fail to tackle the larger ethical and regulatory concerns of AI-generated creativity. The paper discusses the legal, ethical, and empirical aspects of autonomous art critically with a mixed-method approach of analysing the doctrines, philosophical arguments, and empirical research. The paper presents the challenges, such as the loss of human-centred understandings of creativity, ambiguity in attribution, exploitation of data, and the development of a responsibility gap between developers, users, and platforms. Recent empirical results, which rely on the answers of creative professionals, show that the acceptance of AI-generated works is situational, and it is highly dependent on the human factor, transparency, and clarity of regulation. The article states that the current copyright regimes are inadequately structured to encompass AI-generated creativity. It suggests a transitional change in the traditional forms of ownership to the responsibility-based governance forms that focus on transparency, accountability, and fairness. The research adds to the existing discussions by incorporating both legal science and ethical theory and empirical research to come up with a more comprehensive perspective on AI-generated creativity and its role in intellectual property law.

Keywords: Artificial Intelligence, Copyright, Creativity, Authorship, Ethics, AI-generated works

1. Introduction

The twentieth century has been characterized by unprecedented integration of Artificial Intelligence (AI) into economic and cultural aspects of society. Previously limited to technical and computational problem-solving, AI has now been extended to the creative domain, where it generates art, music, literature and advanced multimedia products that are increasingly similar to human-created work [1]. With large datasets of human-generated content, generative AI models can create work that can compete with or even exceed the technical accuracy and stylistic refinement of human artists[2]. Such a fast development of generative AI is a matter of serious ethical and legal issues. It raises provocative questions about whether the ubiquity of AI-generated art will destroy the social and economic value of human ingenuity, or whether it can be integrated into larger systems of creativity without disintegrating the artistic value. Such issues go beyond the technological implications and go into the normative aspects of authorship, originality, and the moral rights of the creators[3]. The recent changes in the law have further demonstrated the complexity of these challenges. In *Zarya of the Dawn*, the issue that needed to be resolved by the authorities was the possibility of copyright protection of works that included AI-generated pictures, especially in cases where human input was minimal, as it consisted of time-based curation and organisation[4]. Equally, *Getty Images v. Stability AI* is a major case of legal controversy over the use of copyrighted content to train generative models without obtaining permission. Such changes highlight the active engagement between technological change, disruption of the market, and maintenance of cultural integrity[5].



The legal status in the Indian context is unclear and dynamic. Although the Copyright Act, 1957, acknowledges computer-generated works, it fails to provide a clear indication regarding the implications of fully autonomous AI systems and the clear definition of the amount of human effort necessary to create authorship[6]. Such a grey area is further enhanced by more general ethical issues, such as fairness towards human authors, transparency of AI-generated products, and homogenisation of culture. It is against this background that the current research paper presents a doctrinal and ethical analysis of AI-based creativity with the purpose of providing a gap between technological innovation and regulatory sufficiency. In light of the above discussion, the study proceeds to examine the existing body of literature on AI-generated creativity, followed by an analysis of the methodological approach adopted to address the identified research gaps. This study contributes to the existing scholarship by integrating doctrinal, ethical, and empirical perspectives to examine AI-generated creativity within a unified analytical framework. Unlike prior studies that focus on isolated dimensions, this research develops a multidimensional approach that connects legal principles with real-world creator experiences. It further advances the discourse by proposing a responsibility-based governance model that addresses the limitations of ownership-centric copyright frameworks.

Definition and Scope of AI in Creative Industries

Artificial Intelligence can be defined as computational systems that can carry out traditionally human intelligence tasks, such as perception, reasoning, learning and creative expression [7]. In the creative field, the most topical sub-discipline is generative AI, which includes systems that generate new content, including text, image, music, and video, frequently under the influence of prompts or user input [8]. Notable ones are DALL·E, Midjourney, Stable Diffusion, and ChatGPT, all of which are based on advanced machine learning architectures, specifically deep neural networks that have been trained on large-scale datasets of human-created works[9]. Such datasets often include a mix of copyrighted content, works of the public domain and unlicensed internet data, which creates serious issues concerning intellectual property rights, permission, and data ownership. Functionally, AI-generated art can be categorised into three types:

Fully Autonomous Works - works produced with little or no human creative intervention other than to start the process;

Human-AI Collaborative Works - in which human participation consists of repeated feedback, creative direction or refinement;

AI-Assisted Works- here AI is used as an auxiliary in the process of adding to, revising or easing human-generated material.

This classification has significant significance in both the legal and ethical discourses. Completely autonomous works complicate the very idea of authorship, and AI-aided and collaborative works provoke subtle questions about the level of human intervention to be taken to be granted legal protection and ethical credit [10]. The effects of AI are not limited to the visual arts but are permeated throughout various creative sectors. In music, artificial intelligence systems like AIVA are able to create original music; in literature, large language models can create poetry, essays, and stories; and AI-assisted film production can include scriptwriting, visual effects, and synthetic actors [11]. Such developments destabilise the conventional, creative functions, reorganise labour relations, and redistribute cultural production systems in the economy of value. In this paper, AI-generated art refers to any creative work where artificial intelligence has a substantive role in creating the content, regardless of the medium, and where the question of originality, authorship, and ownership is involved[12].

The debate about AI and Creativity.

The advent of Artificial Intelligence (AI) into the world of creativity has essentially changed the way creative processes are discussed within the academic community in terms of what creativity and authorship are all about. Creativity has traditionally been viewed as a human quality that is based on intentionality, emotional richness, and subjectivity. The rise of the generative AI systems, however, complicates this anthropocentric interpretation by generating outputs that closely resemble human artistic expression even though there was no conscious or intentional mind [13]. The initial work on computational creativity by Owen has separated combinational, exploratory and transformational creativity, and it is possible that machines can mimic some forms of creative behaviour without having originality of their own [13]. Expanding on this, Elgammal et al. proposed Creative Adversarial Networks (CAN), which showed that AI systems can produce new artistic works, breaking the stylistic conventions [14]. Although these developments have taken place, the modern-day research is strongly suggesting that the outputs of AI are, in essence, derivative since they are statistically produced based on preexisting datasets, not as a result of

independent thought[15]. This has given rise to a conceptual difference between computational creativity and human creativity, where the former is not intentional, has no meaning, and is not aware of context. Therefore, it is still unclear whether the works created by AI meet the normative and legal standards of creativity to be considered as intellectual property. It has become a highly discussed topic regarding the ethical consequences of AI-created creativity, especially concerning the undermining of human artistic labour and the loss of moral rights. According to scholars, the mass production of AI-generated content poses a threat of commodifying creativity, thus diminishing the cultural and economic worth of human-made works [16]. The recent research (2025-2026) also throws light on the issues of data exploitation and consent where generative AI systems are being trained on huge collections of copyrighted materials without the express permission of the content creators [17]. This poses some basic ethical issues of injustice, property, and ownership of AI-generated creations. Transparency has become a very important ethical concern. The fact that viewers cannot draw the line between artworks created by AI and those produced by humans can result in misrepresentation and distrust in the cultural production mechanisms. Industry reaction. In reaction to these changes, creative outputs are increasingly demanded to be transparent and responsible with the introduction of industry solutions like the so-called human-authored certification labels in 2026[18]. In addition, ethical scholarship highlights the issue of cultural homogenisation, in which AI systems trained on mainstream datasets mimic mainstream aesthetic standards, excluding the other voices of minorities and cultural diversity[19]. All these issues highlight the importance of ethical governance structures that value fairness, accountability, and safeguarding human creativity.

Legal Perspectives

Legally, the emergence of AI-created works poses a big risk to the existing copyright principles. The traditional approach of copyright law has been based on human authorship and the necessity of originality, which presupposes a minimum level of creativity, which is provided by a natural person. The Copyright Act, 1957, in India identifies computer-generated works and authorship to an individual who causes the work to be created. This provision was, however, developed against the backdrop of computer-assisted creation and fails to sufficiently cover the case of entirely autonomous AI systems. According to Mishra and Singh, AI-generated works pose a significant ambiguity in authorship and ownership attribution because of the shared responsibilities of developers, users, and data providers[20]. Different positions can be seen on a comparative legal approach. The United States has a very strict human authorship requirement, which has been upheld in recent rulings against copyright claims to AI-generated works [21]. The United Kingdom, on the other hand, is more liberal as it gives the authorship to the individual who makes the necessary arrangements in bringing the work into existence. Nevertheless, both solutions have constraints in dealing with the intricacies of autonomous AI systems [22]. The changes in law can be further emphasised by recent developments (2025-2026). The growth of AI-based copyright cases in the world can be seen as a sign of growing controversy around the issue of training data, fair use, and harm in the market [23]. Criminal cases like ANI v OpenAI in India pose important questions on whether the use of copyrighted content to train AI models is legitimate or otherwise and whether fair dealing exemptions apply to Indian law [24]. Regardless of these changes, there still remains a uniform legal loophole with most jurisdictions not fully protecting autonomous AI-generated works since it lacks human authorship [24].

Empirical Studies

Empirical studies of AI in the creative sector can offer important perspectives on the practicality of AI-led creativity. It seems that recent research (2024-2026) shows that generative AI is not just a technological revolution but a structural change that is transforming creative economies and labour relations [25]. An important discovery in empirical research is that there is an imbalance in the level of awareness among creators. Artists, writers, and designers surveyed indicate that not all creators know how their works are included in AI training datasets. This sort of non-transparency has raised apprehensions of unauthorised use of data, copyright violation and deprivation of control of creative work [26]. The other theme is the economic displacement effect. The available empirical data indicate that the growing usage of generative AI technologies has decreased the appeal of human-generated content in the digital art and content writing, as well as music production industries. The change has led to the reallocation of economic value between individual creators and massive tech platforms and AI developers [27]. The question of attribution and recognition also arises in the context of the empirical results. The creators often state that the AI-generated work does not give due credit, even in cases when it is based on their work. Such a lack of attribution compromises the moral rights and influences the professional identity and reputation of creators[28]. Empirical research also indicates the issue of platform governance, creators are struggling to enforce their rights as grievance mechanisms are ineffective, and they do not know how to regulate. The rise in the number of class-action lawsuits and collective actions in 2025-2026 is an indicator of a mounting resistance to unauthorised data use and platform dominance by creators[29]. Also,

empirical evidence indicates that there is a dual perception of AI among the creators. Although AI is understood as an instrument that helps to boost productivity and facilitates creative experimentation, it is also seen as a threat to originality, authenticity, and the survival of creative careers in the long term [30]. Lastly, researcher highlight the issues of prejudice and homogenization of culture, because AI systems are more likely to recreate the aesthetic trends of dominant cultures, which are encoded in the training sets, and which diminish other forms of cultural expression [31]. All in all, empirical evidence shows that the effects of AI are not limited to legal issues but have a wider socio-economic and cultural dimension, and require a holistic and interdisciplinary approach to regulation.

The current literature on Artificial Intelligence and creativity demonstrates that a few critical gaps need to be addressed through research:

The existing literature is still sectorised in that legal literature deals with the authorship and ownership, ethical literature deals with the issue of fairness and moral issues, and empirical literature deals with the experiences of creators. An integrated interdisciplinary framework of the combination of these dimensions is lacking. (1). Excessive emphasis on Ownership rather than Responsibility- The majority of the legal conversation revolves around the ownership of copyright and authorship, with limited focus on more ethically responsible, accountable, and governed AI-generated works. (2). Lack of Normative Ethical Frameworks- Ethical issues, including the devaluation of creativity, absence of attribution, and use of data, are frequently debated, but there has never been a global normative framework to inform the ethical regulation of autonomous art. (3). Poor Treatment of Full Autonomous AI- Existing literature mostly focuses on works that are assisted by AI, but does not properly analyse fully autonomous AI-generated content in which the role of human intervention is minimal or absent. (4). Uncertainty in Attribution and Responsibility Allocation- It lacks clarity about how responsibility is shared between various stakeholders in the lifecycle of AI creation, including developers, users, platforms and data providers. Despite the emphasis of empirical research on problems like displacement of creators, ignorance, and domination of platforms, this information is seldom incorporated into theoretical law analysis or policy. The current literature is, in many ways, focused on the Western legal tradition, and the Indian legal system is not analysed in terms of context and practical difficulties in the regulation of AI-generated works. The aspect of training datasets, especially the concerns of consent, copyright violation, and data bias, has not been fully investigated in terms of legal and ethical responsibility. The effects of AI on cultural diversity, artistic identity, and creative labour structures are conceptually discussed but not analytically treated in the literature. The literature has been able to define the issues, although it has seldom suggested practical, enforceable governance frameworks or regulatory instruments to deal with the challenges of AI-based creativity.

Research Methodology

Research Design

The current research is mixed-method based, merging doctrinal, philosophical, and empirical research designs to analyse ethical, legal and practical aspects of AI-generated creativity. The mixed-method approach is also determined by the very nature of the research problem, which is interdisciplinary as it is based at the crossroads of law, ethics, and technology. Creativity produced by AI cannot be viewed properly in one methodological fashion. Although the legal analysis describes the regulatory system, it fails to reflect ethical issues or the experiences of stakeholders. On the same note, empirical evidence cannot justify anything normative. Thus, the combination of the doctrinal, philosophical, and empirical approaches will guarantee the thorough and even-handed analysis of the study, which will be able to cover both theoretical and practical aspects of autonomous art. To ensure analytical robustness, the study adopts a structured comparative approach between AI users and non-users, enabling the identification of statistically observable trends in perception and behaviour. While the analysis primarily employs descriptive statistics, the comparative design enhances interpretative validity and supports the generalisability of findings within the scope of exploratory research.

Doctrinal Method

The doctrinal approach is used as a means to examine the current legal framework that regulates AI-generated works. This will entail a methodical analysis of the statutory provisions, judicial precedents and policy developments. More specifically, the paper dwells upon the meaning of major legal terms, including authorship, originality, and ownership as they are defined in the Copyright Act, 1957. There is also a comparative legal analysis done by looking at the developments in other jurisdictions like the United States, the United Kingdom and the European Union. Any comparative approach is supported by the fact that the AI-related legal issues are international in scope, and the experience of other jurisdictions is used to determine the best practices and gaps in regulations. A doctrinal approach

is critical in assessing the sufficiency of existing legal frameworks in dealing with the complexities posed by autonomous AI systems, particularly in instances where there is minimal or indirect human intervention.

Philosophical Method

Besides the analysis of doctrine, the paper gives a normative approach to philosophical analysis to determine the ethical implications of AI-created creativity. Philosophical inquiry is appropriate since legal frameworks cannot be used to deal with the problem of fairness, moral rights, and the innate worth of creative human endeavours.

The analysis uses the major ethical theories, such as:

- To discuss rights-based issues like attribution and recognition, and deontological ethics.
- Utilitarianism, to assess the overall social and economic consequences of AI to creative industries.
- To examine how creativity is related to individual identity, the personality theory is to be used.
- This philosophical foundation allows to critically assess the adequacy of current legal frameworks with ethical concerns, and to make a case that a move towards responsibility-based AI regulation should be taken.

Empirical Method

Sample Design

The empirical part of the research is supported with a sample of 100 respondents who are represented in the creative community and are digital artists, writers, designers, and content creators. A stratified sampling method will be used to guarantee the coverage of different views.

The sample is divided into two groups:

- 50 respondents who actively use AI tools.
- 50 respondents were mainly involved in traditional creative practices.

Such categorisation is reasonable because it will be possible to compare the situations of those who are directly impacted due to the adoption of AI and those who use traditional procedures. This type of differentiation is essential to the interpretation of the perception, acceptance, and resistance differences to AI-generated creativity.

Data Collection

The structured questionnaire is used to gather the data, which includes closed-ended and open-ended questions. A questionnaire-based approach is suitable in terms of capturing both the quantifiable patterns and subjective experiences. The closed-ended questions will be constructed to measure the awareness levels, frequency of using AI, and overall perceptions about AI-generated content. There are open-ended questions that will help in qualitative data on ethical issues, copyright infringement experiences, attribution, and struggles of creators. The questionnaire is well crafted to be clear, reliable and relevant to research objectives, thus increasing the validity of responses.

Data Analysis

A mixture of quantitative and qualitative methods is used to analyse the collected data, which guarantees methodological rigour and richness of interpretation. The trends in awareness, usage and perception among the respondents are identified using descriptive statistical analysis (percentage and frequency distribution). This methodology is warranted because the objective of the study is to give an overview of trends and not predictive modelling. To enhance the analysis aspect of the study, comparative analysis is carried out between AI users and non-users to find out the significant differences in attitudes. Open-ended responses are subjected to thematic analysis to determine repetitive themes like attribution issues, economic displacement, ethical issues, and platform-related issues.

This combination of analysis guarantees the statistical validity and the richness of the context of the results, which would be more global and significant.

Justification of Methodology

The complexity and interdisciplinary nature of AI-generated creativity are the reasons why a mixed-method approach should be adopted. Ethical dilemmas cannot be analysed by legal analysis, and normative interpretation is necessary in empirical findings. The research is a combination of doctrinal, philosophical, and empirical approaches,

which guarantees a comprehensive view of the problem. Moreover, the use of empirical data enhances the work as it makes the theoretical arguments based on the real-life experience of creators. This increases the policy relevance and applicability of the study, rendering it appropriate to respond to the modern challenges in AI governance.

Limitations of the Research.

Nevertheless, the study has its limitations, irrespective of its detailed design. To begin with, the 100 respondents used, though enough in exploratory analysis, might not be a complete representation of the creative community at large. Second, the answers obtained can be affected by subjective perceptions and personal biases, especially regarding ethical issues. Third, the high rate of artificial intelligence technological development can influence the applicability of the results in the long term. All these limitations are recognised and considered when interpreting the results, and transparency and academic rigour are maintained.

Conceptual Framework

The theoretical framework of the current research is planned to investigate how much the level of artificial intelligence participation in creative activities correlates with the perceived ethics of works created with the help of AI. The framework incorporates both the legal, ethical and empirical dimensions to give a systematic idea of autonomous art. The central assumption of the framework is that when AI gains more autonomy in creating content, there will be shifts in the way creativity, authorship and responsibility are perceived. But the relationship is not direct or uniform: it is shaped by a variety of intervening and contextual factors.

Variables of the Study

Independent Variable (IV): AI Autonomy.

AI autonomy is the degree to which artificial intelligence autonomously produces creative work without human supervision. It includes AI-assisted systems and completely autonomous systems.

Justification: An increased degree of AI autonomy diminishes human creative output, thus, questioning conventional ideas of authorship and originality.

Dependent Variable (DV): Ethical Legitimacy.

Ethical legitimacy is the degree to which AI-driven creations are viewed as acceptable, legitimate, and ethically sound, both in the creative and legal domains.

Justification: This is the main outcome variable of the study as it seeks to assess the social and ethical acceptability of AI-generated creativity.

Mediating Variable: Human Involvement.

Human involvement can be defined as the extent of human creativity, control, and decision-making in the AI generation process.

Justification: Having human input in place can affect the way AI-generated works are perceived thus mediating the relationship between AI autonomy and ethical legitimacy.

Moderating Variable: Legal and Social Norms.

The laws and social conventions involve copyright regulations, ethical principles, and the attitude of society to AI-created information.

Justification: These conventions affect the perception and reception of AI-generated works, which in turn reduces the intensity and orientation of the relationship.

Conceptual Model Explanation

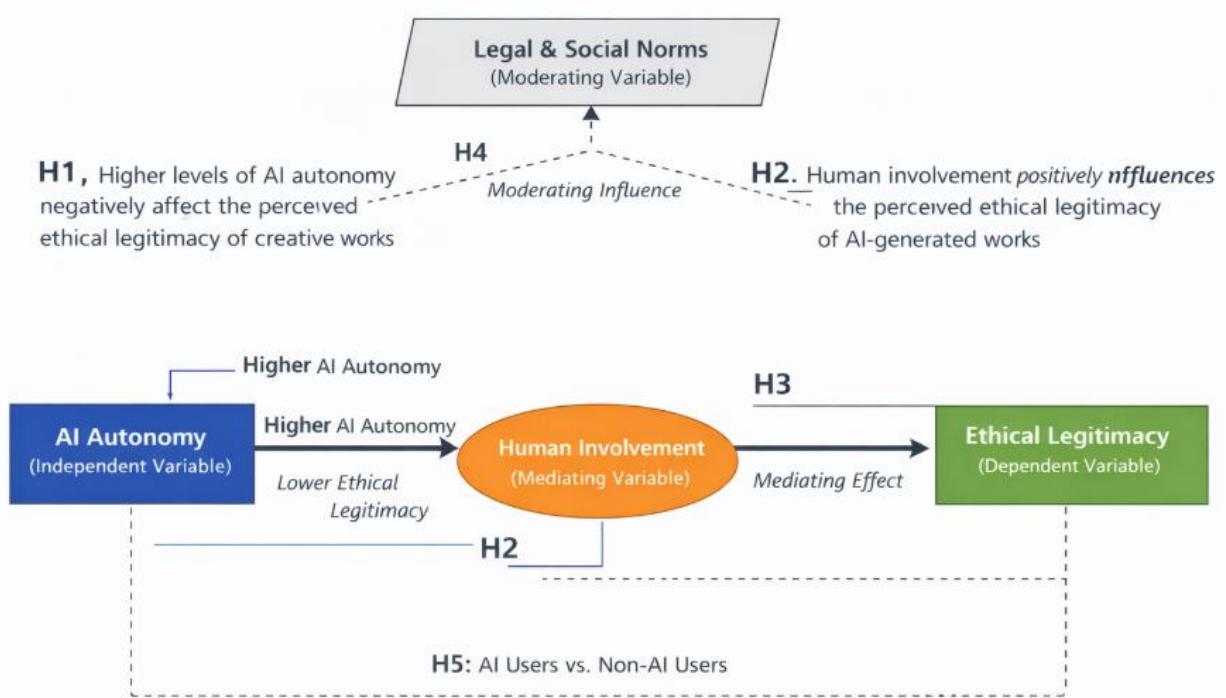


Figure 1: Conceptual Framework Illustrating the Relationship between AI Autonomy and Ethical Legitimacy of AI-Generated Works

The conceptual model in Figure 1 demonstrates that AI autonomy is correlated with the perceived ethical legitimacy of AI-generated works, with the mediating impact of human involvement and the moderating effects of legal and social norms. The fusion of the framework is AI autonomy as the independent variable, which is the extent to which systems based on artificial intelligence produce creative output without any human input. The more autonomy one has, the less human creative input is, thus, questioning the classic concepts of authorship, originality, and responsibility. It is hypothesised that this relationship will impact negatively on the perceived ethical legitimacy of AI-generated works, as is represented in Hypothesis H1.

This relationship is, however, a mediating variable. The human touch, whether as a creative contribution, oversight, or problem-solving, increases the perceived validity of AI-generated outputs by bringing back the aspects of human agency and accountability. This mediating effect is included within Hypothesis H3 and further substantiated by the positive relationship between human involvement and ethical legitimacy, which is direct as suggested in Hypothesis H2.

Moreover, the legal and social norms are also used as a moderating variable in the framework. Such norms are copyright laws, ethical standards, and societal attitudes to AI-generated content. The moderating effect suggests that the strength and direction of the relationship between AI autonomy and ethical legitimacy are influenced by the prevailing regulatory and cultural context. As an example, more robust legal frameworks and more explicit regulatory standards can help to alleviate ethical issues related to AI-created works, which can be reflected in Hypothesis H4. Lastly, the framework also takes into account the variations in the perception of AI users and non-AI users, as in Hypothesis H5. This comparative aspect underscores the role of direct interaction with AI tools in the formation of the attitude towards their ethicality.

In general, the framework offers an organised foundation of the empirical research by connecting theoretical constructs to measurable variables. It allows examining the interaction of technological, human, and institutional forces in the formation of ethical legitimacy perceptions when it comes to AI-generated creativity. The framework proposes that:

- The perceived ethical legitimacy can diminish as the autonomy of AI rises, as there is less human authorship and responsibility.
- Nevertheless, this relationship can be mediated by humans by increasing the legitimacy through creative contribution and responsibility.
- Also, there are legal and social norms to soften this relationship and influence the perception of acceptability and fairness.

Hypotheses Development

In this way, the model represents a multi-layered correlation, in which AI autonomy does not primarily influence the issue of ethical legitimacy but human and institutional factors do. In accordance with the conceptual framework, the following hypotheses are made:

H1: The greater the autonomy of AI, the more the perceived inappropriateness of creative works.

H2: The perceived ethical legitimacy of AI-generated works is positively affected by human involvement.

H3: There is an intermediate in the relationship between AI autonomy and ethical legitimacy that is human involvement.

H4: Legal and social norms are important moderators of the relationship between AI autonomy and ethical legitimacy.

H5: There is a significant difference in the perception of the ethical legitimacy between creators who use AI tools and non-AI creators.

Relevance of the Framework

The theoretical framework offers an organised framework of empirical research by connecting theoretical constructs to measurable variables. It also helps in testing hypotheses and helps in integrating legal, ethical and empirical evidence. The framework helps to develop a more sophisticated insight into AI-generated creativity and the implications of this phenomenon on intellectual property law by including variables like AI autonomy, human involvement, and regulatory norms.

Legal Framework on AI- Generated Works in India and Comparative Jurisdictions

India

The Indian Copyright Act of 1957 defines "author" for most works (excluding computer-generated ones) as the person responsible for creating the work, such as in literary, dramatic, musical, or artistic works (Section 2(d)(vi)). This provision was designed to address works produced with computer assistance, but it remains untested in Indian courts regarding works produced entirely by autonomous artificial intelligence [31]. Indian case law, exemplified by *Eastern Book Company v. D.B. Modak*, has established that a minimal degree of creativity, not just effort, is necessary for copyright protection[32]. Human creativity, even in a modest form, is thus a central requirement for copyright to apply. This raises doubts about whether works generated solely by AI, without human input, would satisfy the originality threshold [33]. The Office of the Controller General of Patents, Designs and Trade Marks have not provided clear guidance on whether AI alone can be considered an author, although works created with AI assistance have been registered when a human claims authorship[34]. This ad hoc approach leaves creators and stakeholders in a state of uncertainty. As of 2025, the Indian government has convened an expert panel to recommend changes to the Copyright Act, with a focus on AI-generated works, questions of authorship, and issues related to copyright ownership. The panel is considering whether works generated entirely by AI can be protected under copyright, exploring possible amendments to clarify key definitions, differentiate between AI-assisted and fully autonomous works, and introduce new rules for accountability and licensing of AI training data. Ongoing cases in the Delhi High Court have highlighted the current Act's limitations, as it still requires human involvement for copyright protection. Unless a human contributor can be identified, AI-generated works lack clear legal standing. While future reforms may reshape these standards, at present, uncertainty continues to surround copyright protection for works created autonomously by AI.

The recent case of *Ani Media v. OpenAI* marks a turning point in Indian copyright law, as it addresses the complex issue of whether using copyrighted materials to train generative AI models constitutes infringement under the Indian Copyright Act, 1957. The case also reconsiders how fair use exceptions under Section 52 should apply in

the context of artificial intelligence[35]. The Delhi High Court has raised important questions: Does storing and using copyrighted data for AI training infringe copyright? If AI-generated outputs closely mimic original works, do they violate copyright? Can such practices be justified as fair dealing or transformative use under current law?

This is the first comprehensive judicial review in India of AI-related text and data mining, including the jurisdiction over foreign AI developers whose services are accessible in India. The case has significant consequences for media, publishers, and creative businesses, setting a precedent for how similar disputes may be resolved in the future. It may also lead to new laws or more detailed regulations governing AI and copyright. With major industry players such as music labels and publishers involved, the outcome of this litigation is likely to influence the contours of copyright protection, licensing, liability, and technological advancement, ultimately helping to clarify how Indian law will intersect with artificial intelligence.

United Kingdom

The Copyright, Designs and Patents Act 1988 (CDPA) introduced a noteworthy provision regarding computer-generated works, specifically outlined in section 9(3). According to this section, when a work is generated by a computer in circumstances where there is no human author, the law attributes authorship and thus copyright ownership to the individual who has undertaken the necessary arrangements to bring the work into existence. In practice, this typically means that the programmer, or the individual or entity commissioning the work, is recognised as the author for copyright purposes. This approach reflects a pragmatic recognition of the challenges posed by non-human creation. By ensuring that a tangible agent is always identified as the author, the law ensures that computer-generated works are not left in a legal vacuum and that copyright protection can be enforced or transferred as needed. In commercial settings, this means that companies developing or sponsoring computer-generated outputs retain control over the resulting intellectual property, allowing for clear assignment and management of rights. However, this attribution mechanism has been met with criticism. One of the central concerns is that it can result in copyright being granted to individuals or entities whose involvement in the creation of the work was largely administrative or technical, rather than truly creative. For example, a company executive who simply funds the development of a computer program may be deemed the author, despite having contributed little to the creative vision or substance of the final work. This raises questions about whether the law is adequately aligning copyright with actual creative input. Furthermore, section 9(3) does not directly address the issue of moral rights, such as the right to be identified as the author or to object to derogatory treatment of the work, when the human contribution is minimal or purely technical. In cases where computers play the dominant role in generating content, the traditional rationale for moral rights may not fit easily.

United States

The United States law requires that copyright must have human authorship as a constitutional requirement, as affirmed in *Feist Publications v Rural Telephone Service* (1991), where the Supreme Court emphasised creativity rather than mere effort[36]. The United States Copyright Office has consistently refused to register works created solely by machines or automated processes without human creative input. Recent jurisprudence, including the *Zarya of the Dawn* case (2023), further clarifies that copyright protection may extend only to the human-authored components of a work, excluding machine-generated elements[37].

European Union

The copyright law of the European Union relies on the criterion of “own intellectual creation” of the author, which inherently requires human intervention [38]. Although there is no explicit provision addressing computer-generated works, this requirement effectively excludes purely autonomous AI-generated outputs from protection. The EU Artificial Intelligence Act (2024) introduces additional regulatory obligations. Articles 53(1)(c) and (d) require AI providers to ensure copyright compliance, respect opt-out mechanisms for data mining, and maintain transparency regarding training datasets. While the Act does not modify the standard of originality or grant copyright to AI-generated works, it strengthens enforcement and accountability, thereby protecting the interests of copyright holders and reinforcing the EU’s commitment to human-centric creativity.

Australia

The Copyright Act 1968 operates on the principle of independent intellectual effort and the exercise of skill and judgment. Australian courts have clarified that authorship requires a natural person, making it difficult to recognise purely AI-generated works as copyrightable [39]. However, AI-assisted works, where human creative control is present, may still qualify for protection.

China

Chinese copyright law similarly requires originality and recognises authorship in natural persons, legal persons, or organisations. However, judicial interpretation has shown some flexibility. In *Tencent v Yingxun* (2019), a news article generated using AI was recognised as copyrightable due to the presence of human editorial intervention, rather than purely autonomous AI creation [40].

Ethical Challenges of AI-Generated Creativity

The incorporation of Artificial Intelligence into art creation poses intricate ethical issues that are beyond the confines of conventional intellectual property approaches. Although copyright law mostly deals with matters of property and authorship, it tends to fall short in terms of addressing such larger concerns as fairness, recognition, cultural diversity, and human dignity[41]. The devaluation of human creativity is one of the most acute issues. The fact that AI systems can be used to create stylistically advanced and commercially viable pieces in seconds questions the historical importance of human artistic labour. This change is not just hypothetical; it is manifested in the real-life cases of artists missing commissions for AI-generated ones. According to the deontological view, such developments pose a threat to the moral rights of creators, especially the right to be recognised with their work as an expression of personal identity[42]. Intimately connected is the problem of transparency and attribution. The limits of authorship are unclear, as the works produced by AI are more similar to the works produced by humans. Without the explicit disclosure, viewers can be misdirected on the source of creative works, thus jeopardising informed appreciation and confidence in cultural production systems. A necessary change to maintain the awareness of the audience and the symbolic value of the works created by humans has been suggested to be the adoption of transparent attribution mechanisms, such as labelling of AI-generated or AI-assisted works [43]. Bias and cultural homogenisation are other ethical dilemma of importance. The AI systems are often taught using large datasets that support common cultural discourses and aesthetic ideals. Consequently, outputs of AI can reproduce and support these trends, marginalising minority voices and decreasing diversity in artistic representation. Under the ethical pluralism approach, creative production diversity is fundamental to cultural resilience and creativity. Too much dependence on AI-generated content, especially when used commercially, will lead to a situation where the priorities are put on the algorithmically optimised content rather than culturally sensitive and experimental work[44]. The ethical environment is also complicated by the problem of moral responsibility. In cases when harm to a person or organisation (infringement of copyright, distribution of biased information, reputational harm) is caused by AI-generated works, it is hard to hold anyone responsible. The decentralised nature of AI systems, in its form of developers, users, platforms, and data providers, forms a responsibility gap, where no actor can be plainly held accountable. This indistinctness invalidates the success of the legal and ethical systems that are in place and depend on recognisable agents to hold them responsible [45]. Besides these issues, attribution and authorship problems have not been solved. Attribution is not only a legal condition, but a kind of social acknowledgement that can show the moral rights of creators. When it comes to AI-assisted works, it is not clear what contribution proportion humans might have to reach authorship. Minor contributions, like prompting or simple editing, might not meet the legal criterion of originality, whereas more significant ones can support authorship. Nevertheless, the existing legal frameworks do not have the means of analysis to handle this multi-layered creative process, especially when some of the contributions are shared among developers, creators of the dataset, and users[46]. Another complication is due to the idea of volition and machine agency. Traditionally, the law of copyright presupposes a volitional act in order to create a liability, which presupposes that creative acts are consciously created by a human being. Yet, more advanced AI systems are starting to feature functional decision-making features, including the ability to select, filter, and generate outputs, guided by learned patterns. This brings up basic issues of whether machine-created creativity can be sufficiently handled using legal standards founded on human intention. In case legal responsibility is associated with the functional agency, but not consciousness, developers or users can be responsible for AI outputs, even without direct control [47].

Critical Evaluation

The ethical issues listed above prove that AI-generated creativity cannot be regulated by the conventional copyright regulations alone. Problems of devaluation of creativity, attribution ambiguity, cultural homogenisation, and responsibility gap point to the necessity of a wider regulatory practice that entails placing ethical concerns in the analysis of the law. It is now agreed that the future forms of governance should be based on a paradigm of responsibility rather than that of ownership, where transparency, accountability and fairness are paramount. This would prevent the fact that technological innovations in AI would negatively impact the integrity of human creativity, as well as allow the innovative industries to innovate.

Empirical Findings and Analysis

The empirical study tests the perceptions of creators towards the ethical and practical impact of AI-generated creativity in the modern creative sectors. The data gathered on 100 respondents will be analysed by applying the descriptive statistical techniques to determine the most important trends in awareness levels, usage trends, ethical perception, issues with attributions, and economic implications. A comparison between users and non-users of AI technologies is also conducted to determine whether the direct interaction with AI technologies affects the attitude towards their legitimacy. It is a method that allows a systematised analysis of the correlation between technological adoption and ethical analysis. The results obtained were consolidated and displayed in Table 1.

Table 1: Summary of Empirical Findings on AI-Generated Creativity

| Variable | Indicator | AI Users (%) | Non-AI Users (%) | Overall (%) |
|-----------------------|------------------------------------|--------------|------------------|-------------|
| Awareness | Awareness of AI tools | 94 | 82 | 88 |
| | Active usage of AI | 100 | 24 | 62 |
| Ethical Legitimacy | Acceptable | 72 | 36 | 54 |
| | Conditionally acceptable | 20 | 38 | 58 |
| | Unethical | 8 | 64 | 27 |
| Human Involvement | Necessary for legitimacy | 74 | 84 | 79 |
| | AI-assisted works acceptable | 76 | 60 | 68 |
| | Fully autonomous works acceptable | 28 | 14 | 21 |
| Attribution Issues | Attribution is a concern | 82 | 86 | 84 |
| | Credit to original creators needed | 78 | 74 | 76 |
| | Confusion in authorship | 65 | 73 | 69 |
| Economic Impact | Reduces human work demand | 58 | 64 | 61 |
| | Increases unfair competition | 52 | 56 | 54 |
| | Improves productivity | 66 | 30 | 48 |
| Transparency | Disclosure required | 85 | 89 | 87 |
| | Lack of disclosure unethical | 68 | 76 | 72 |
| Perception Difference | AI as a useful tool | 81 | 39 | 60 |
| | AI threatens creativity | 42 | 78 | 60 |
| | Need for regulation | 69 | 91 | 80 |

The empirical results indicate that the perception of the AI-generated creativity is not unilaterally either positive or negative but is determined by a complicated interplay of technological exposure, ethical considerations, and economic implications.

The first finding that may be made based on the data is that the awareness is high (88% and the active usage is relatively low (62%). This void suggests that although AI technologies have already entered the creative ecosystem, they are not embraced with haste. This hesitation of a large percentage of the respondents may be explained by the fear of originality, authorship, and ethical legitimacy. This is indicative of a transitional period whereby familiarity with the technology does not always result in normative acceptance. The understanding of the ethical legitimacy is, mostly, conditional, and most of the respondents underline that AI-generated works should be accepted under certain conditions. This conditionality highlights the point that the legitimacy of the technology itself is not intrinsic but rather subject to contextual influences, including human interactions and transparency. The evidence indicates that the creativity generated by AI is not only judged by the quality of the output but also by the processes involved in its creation.

One of the most important results is the key role of human involvement, since 79% of the respondents claim that the necessity of its implementation is crucial to the ethical acceptance of the latter. This implies that human agency still serves as a key stake of legitimacy in creative production. The low acceptance of fully autonomous AI-generated work (21%) further supports the continuation of a human-centred understanding of creativity. Overall, it seems that the respondents are ready to embrace AI as an instrument, but not human creativity. An acute authorship and

attribution crisis can also be identified in the data. A majority of the respondents (84% of the total population) cited the issue of attribution as a key issue, and a large number of them indicated confusion about authorship. This is symptomatic of a structural gap in the law and ethics, in which the current models of authorship cannot support multi-layered, AI-driven creative processes. The need to borrow money from the original creators also implies that there is an anticipation of fairness and recognition, even in the technologically mediated context. Economically, the results show a twofold and even contrary effect of AI. On the one hand, AI is viewed as a productivity improvement and a reduction of the obstacles to creative production. Conversely, it is perceived to be a factor in decreased human labour demand and competition. This duality is indicative of a larger shift in the creative industry where technological efficiency is being accompanied by anxieties about being displaced and unfairness. One of the most consistent ethical expectations is transparency, which is found among the respondents. The fact that the majority of voters (87 percent) agree that mandatory disclosure should be implemented shows that transparency is considered to be a bare minimum of ethical acceptability. The understanding that disclosure is not ethical only underscores the significance of trust in creative ecosystems, especially when the line between human and AI-generated works is further diminished. An important aspect of the findings that is critical is the dissimilarity between AI users and non-users. The users of AI have a more pragmatic and acceptance-based attitude and see AI as a means to increase creativity and efficiency. Conversely, non-users are more critical in their perception and focus more on authenticity, fairness and cultural value risks. This difference indicates that perception is greatly influenced by direct interaction with technology, which supports the notion that familiarity and experience affect ethical acceptance.

In general, the results suggest that AI-generated creativity is within a conditional legitimacy framework, in which human involvement, transparency, and regulatory clarity mediate acceptance. The findings confirm the thesis that technological development is not enough to warrant acceptance; instead, legitimacy has to be built with the help of ethical identification and institutional control.

Discussion

The results of the current paper have significant implications in the dynamic relationship between artificial intelligence and creative practices, both convergence and tension between technological progress and the conventional conceptualisation of creativity. The empirical findings support the arguments put forward in the literature that AI-based creativity threatens the human-centric basis of authorship and originality. Although the idea of the conceptual difference between human and computational creativity has been a subject in previous scholarship, the results of this paper have shown that the differences still exist in the perceptions of the real world. Specifically, the conditional acceptance of AI-generated works is a continuation of the use of human intervention as a standard of legitimacy. The importance of human intervention, as discovered in the empirical study, is close to doctrinal principles of law that emphasise human authorship. The laws of countries like India and the United States still focus on the need for human creativity in the protection of copyright. The fact that respondents are not that accepting of fully autonomous AI-generated works further confirms this standpoint, meaning that the legal norms are in line with the expectations of society. Simultaneously, the results reveal an increasing misalignment between regulatory sufficiency and technological ability. Although AI systems can generate a high-quality creative output, the current legal frameworks are not well-prepared to deal with the problem of authorship, ownership, and liability. This disparity can be seen specifically in the Indian context, in which statutory provisions are not clear yet, and judicial directions are in the process of development. The problem of ambiguity of attitudinal attribution and authorship that is highly expressed in the empirical results also endorses the issues of moral scholarship. This issue of the absence of well-defined attribution systems casts doubts not only on the moral rights but also the professional ones, implying that the current copyright regulations are inadequate to respond to multi-layered creative work with AI. Additionally, the research finds a two-sided view of AI as an enabler and a disruptor. Although users of AI underline efficiency, innovation and accessibility, non-users are worried about authenticity, fairness and economic displacement. This deviation underscores the effect of technological exposure on formulating attitudes, indicating that the acceptance of AI-generated creativity does not follow the same pattern across all contexts but rather is specific to the setting. The high transparency level, which is evident in the data, further explains why ethical governance is important. Disclosure of AI-generated content is demanded by new regulatory trends, especially in those jurisdictions where accountability and awareness of users are valued. This implies that the ethical imperative is mounting more and more expectations in terms of the application of AI in the creative fields.

On the whole, it is possible to observe that the results indicate that AI-based creativity is a paradigm of conditional legitimacy, the acceptance of which depends on human factors, transparency, and clarity of regulations. This underscores the necessity of changing the old models of ownership-based approaches with a more holistic

approach to governance that incorporates legal, ethical and empirical aspects. The findings and discussion collectively demonstrate that AI-generated creativity cannot be fully understood through isolated legal or ethical frameworks. Instead, a holistic approach that integrates technological, social, and regulatory dimensions is essential for addressing emerging challenges.

Volition, Mental States, and the Law: The Challenge of Machine Agency

One of the central challenges at the crossroads of AI-generated art and copyright law is the legal need for a “volitional act”, that is, a conscious or intentional action, when assigning liability for infringement. Copyright law has traditionally assumed that infringers are humans who can form intentions and act with purpose. However, as AI systems become more advanced and can generate creative works with minimal human involvement, this assumption is increasingly being questioned. The rise of AI forces courts and lawmakers to rethink what it means to have a mental state, such as intention, in the context of creative acts. Some scholars, like Chatterjee and Fromer, point out that the law doesn’t always require a deep, philosophical sense of awareness or consciousness. Instead, what matters is whether the agent involved displays the basic, functional qualities of making choices and taking actions. In copyright, the so-called “volitional act requirement” means that not every act of copying is seen as infringement; there must be a wilful decision by some agent, to copy the work. As AI becomes more capable of producing art with little direct human input, the legal system faces difficult questions about who (or what) is really making the choices that matter for copyright liability. [37] The legal requirements, such as intent or volition, may not demand full conscious experience but instead track “functional properties” capacities to choose, evaluate, or pause before acting, which sophisticated AI systems can increasingly simulate. This blurs the boundary between human agency and machine agency: if an AI system can functionally approximate human choice by pausing, filtering, and selectively creating, it may satisfy the legal standard for volition in certain contexts, even if no consciousness is present. The analysis has direct consequences for attribution and liability in AI-generated art. If the law continues to link authorship and infringement to functional agency rather than human consciousness, then creators, developers, or deployers of AI may bear responsibility for outputs based on the machine’s functional choices and the extent of human direction or oversight. Conversely, a strict insistence on conscious human authorship will uphold the legal exclusion of autonomous AI-generated works from copyright protection, unless and until legal definitions are adapted to recognise machine agency in a nuanced fashion.

Future Perspectives: Balancing Innovation, Rights, and Cultural Diversity

The question of who should be considered the author of works created with artificial intelligence presents a significant challenge for modern copyright law. Traditionally, copyright systems have developed around the idea that creators are human. As a result, in places like the United States, purely AI-generated works where humans provide little or no creative input are not considered eligible for copyright protection and generally fall into the public domain. This leaves a legal grey area: if no person is directly responsible for the creation, can anyone claim ownership or rights over the work? The issue becomes more complicated when both humans and AI are involved. For example, if a person carefully crafts prompts or instructions for an AI, or if a developer designs and trains the system, it is unclear who, if anyone, should be recognised as the author. Some legal systems, such as those in the United Kingdom, attempt to address this by assigning authorship to the person who made the necessary arrangements for the work’s creation; however, even this approach offers only limited rights compared to traditional human authorship. Without clear legislation, debates about rights and responsibilities related to AI-generated art are likely to persist. Different countries are taking different approaches, and until lawmakers provide more precise rules, questions about the ownership of AI-created works will remain open and hotly debated among legal scholars and practitioners. For a work to be protected by copyright, it must show at least some degree of originality that comes from human creativity. The bar for what counts as creative is not very high; copyright law only asks for a small amount of intellectual effort, something unique that goes beyond just copying facts or ideas. Still, this requirement is rooted in the idea that a human must be the one making those creative choices. When artificial intelligence is involved, things get more complicated. If a work is created by automated processes, or if a person’s involvement is limited to entering prompts or picking between different AI-generated results, it’s tough to say whether the result meets the legal definition of originality. Is simply choosing from AI outputs enough of a creative act to make someone an author in the eyes of the law? These questions highlight a growing tension in copyright law. On one side is the desire to reward genuine human creativity; on the other is the risk that machines might flood the world with content that merely mimics existing styles or ideas. As things stand, copyright protection is meant for works that show at least some human originality and effort. Until lawmakers clarify the standards, work with little or no human input remains in a legal grey area.

Policy Recommendations

Addressing the legal and ethical challenges posed by AI-generated art calls for a nuanced policy response that balances the need to protect human creativity, encourage innovation, and maintain clarity in the law. Several practical recommendations can help achieve this balance:

1. **Mandatory Disclosure and Labelling:** It should become standard practice to clearly disclose when AI has played a significant role in the creation of a work. This could involve labelling AI-assisted works whenever they are sold or displayed, using metadata embedded in digital files to ensure transparency. Such disclosure would help audiences understand what they are viewing and reduce confusion or disputes over who created the work.

2. **Clear Distinction in Authorship:** Lawmakers need to draw a clear line between works that are entirely generated by AI and those that involve meaningful human input. When a person exercises substantial creative control over the process or outcome, they should be recognised as the author. This could mean expanding the concept of joint authorship for works created in partnership with AI.

3. **Modified Ownership Attribution:** Current approaches, like the UK's rule that gives rights to the person commissioning the work, may not always reflect who actually contributed creatively. Ownership rules should be updated to prioritise those who make real, creative decisions, rather than simply those who pay for or arrange the work to be made.

4. **Regulation of Text and Data Mining (TDM):** Laws should ensure that using copyrighted materials to train AI is only allowed for non-commercial research or for purposes that benefit the public. Rights holders should have the ability to opt out, and there should be clear licensing systems to support ethical commercial use of creative works in AI training.

5. **Sui Generis Rights for Autonomous Works:** For art that is produced entirely by AI without human involvement, lawmakers could consider a new, special type of right that is separate from traditional copyright. This sui generis right could last for a shorter period (such as 5–10 years), would not include moral rights, and would be granted to the party that invested in creating the work, not to the machine or its programmers.

6. **Clarification of Liability and Responsibility:** It is important to clarify who is responsible for harmful or infringing outputs from AI systems. Companies using AI for commercial purposes should be primarily responsible. Developers could be held liable if harm results from negligent or abusive design or training. Users should be accountable if their actions or prompts lead to problems.

Implementing these recommendations would help make the creative landscape clearer and fairer for everyone involved, from artists and developers to audiences. It would also reinforce the importance of human creativity while making space for responsible innovation in AI.

Conclusion

The accelerated development of artificial intelligence in the creative field has essentially undermined the significant presumptions on which the copyright law is based, in aspects of authorship, originality and ownership. This research shows that AI-generated creativity cannot be sufficiently dealt with in the current human-based legal frameworks since the systems are getting increasingly autonomous with different degrees of autonomy that obscure the line between human and machine-made expression. As the results of the research show, although AI has numerous advantages in terms of efficiency, accessibility, and innovation, its application in creative practices brings up complicated ethical and legal issues. The problems of human creative devaluation, absence of attribution, exploitation of data, and the formation of a responsibility gap provide an indication of the weakness of existing regulatory strategies. The empirical study also confirms that acceptance of AI-generated works is mostly conditional, which is affected by the human involvement, transparency, and clarity of regulation. Legally, the comparative analysis shows that the majority of jurisdictions still adhere to the human authorship requirement, thus barring completely autonomous works created by AI from being subjected to copyright. Nevertheless, in so doing, it leads to a disjunction between legal doctrine and technological reality. The lack of precise guidelines on the authorship, ownership, and liability causes hesitation among creators, developers, and other parties of the creative ecosystem.

This research paper is of the view that in order to overcome these challenges, it is necessary to change the traditional concept of ownership-based models into a more holistic concept which focuses on responsibility, accountability and ethical governance. This kind of framework must include transparency, fair attribution, and control

over training data mechanisms, but also acknowledge the changing nature of AI as a tool, as well as an independent agent, in the creative production process. After all, the future of AI-generated creativity will be defined by the capability of the legal systems to respond to the technological change without compromising the worth of human creativity. The solution to this is a balanced strategy that safeguards human innovators and allows them to innovate responsibly to make sure that the artificial intelligence has a positive impact on developing cultural and creative. The challenge, therefore, is not merely to regulate artificial intelligence, but to redefine the relationship between technology and creativity in a manner that preserves human dignity while embracing innovation.

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