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COPYRIGHT ISSUES OF AI GENERATED WORK

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ABSTRACT

The rapid advancement of artificial intelligence (AI) has revolutionized the creative landscape, enabling machines to generate images, music, literature, and other forms of artistic expression. This transformation presents unprecedented legal and ethical challenges, particularly concerning copyright ownership and intellectual property rights. Traditional copyright laws are structured around human authorship, leaving AI-generated works in a state of legal ambiguity. The central question that emerges is whether such works can be protected under existing copyright frameworks and, if so, who holds the rightful claim—AI developers, users, or another party.

This paper critically examines the evolving intersection of AI and copyright law by analyzing judicial precedents, legislative developments, and policy debates. It explores the implications of AI-generated content for artists, content creators, technology companies, and legal systems worldwide. Key concerns include the assignment of authorship, the enforcement of copyright protections, liability in cases of infringement, and the broader ethical considerations of AI's role in the creative process. As AI continues to challenge conventional notions of originality and authorship, this research underscores the urgent need for legislative reforms to provide clarity, foster innovation, and ensure fair protection for human and AI-assisted creativity in the digital age.

Keywords:

Artificial Intelligence (AI), AI-Generated Content, Copyright Law, Intellectual Property Rights, Authorship and Ownership, AI and Creativity

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INTRODUCTION

The rapid advancement of technology has profoundly reshaped modern society, revolutionizing industries, altering traditional modes of work, and redefining the boundaries of human creativity. Among the most transformative innovations of the 21st century is artificial intelligence (AI), technology that has evolved far beyond its initial applications in data processing and automation.

²AI now plays a pivotal role in various fields, from healthcare and finance to entertainment and the arts, demonstrating an unprecedented ability to perform complex tasks, analyze vast amounts of data, and even generate original creative works. What was once a mere tool for efficiency has now become a creative force capable of producing literature, music, paintings, and software. This transformation has sparked one of the most pressing legal and ethical debates of our time—the intersection of AI and copyright law. As AI-generated content becomes increasingly sophisticated and indistinguishable from human-created works, the question arises: should these works receive copyright protection, and if so, who should be recognized as the rightful owner?

Traditional copyright law is built on the foundation of human authorship, a principle that has guided legal frameworks for centuries. Copyright protects human intellectual effort, ensuring that creators retain control over their work and are fairly compensated for their contributions. However, AI-generated content challenges this notion, as it is produced not by a human mind but by algorithms trained on vast datasets. Without clear legal guidelines, AI-generated works exist in a state of legal uncertainty, raising fundamental questions about authorship, ownership, and liability. If AI-generated content is not eligible for copyright, it could discourage innovation in AI-driven creative fields. On the other hand, granting copyright protection to AI generated works without human involvement could disrupt existing legal and economic structures, potentially undermining the rights of human creators.

² 1. COPYRIGHT ISSUES OF AI GENERATED WORK, Untitled Document-2.pdf, at 1.

2. Abstract, COPYRIGHT ISSUES OF AI GENERATED WORK, Untitled Document-2.pdf, at 1.

3. Introduction, COPYRIGHT ISSUES OF AI GENERATED WORK, Untitled Document-2.pdf, at 1.

HISTORICAL EVOLUTION

The legal challenges surrounding AI-generated content are not entirely new; similar debates have arisen throughout history with the introduction of disruptive creative technologies. Each major technological advancement that altered the way art, literature, or music was produced has prompted questions about the nature of authorship and the extent to which copyright law should adapt. One of the earliest examples of this occurred with the invention of photography in the 19th century. Initially, there was skepticism about whether a mechanically produced image could be considered an original, copyrightable work, as traditional artistic creations—such as paintings and sculptures—required direct human craftsmanship.

Early judicial rulings, however, established an important legal precedent by recognizing that photography involved significant creative choices made by the photographer. Factors such as composition, lighting, framing, exposure, and subject selection demonstrated human originality and artistic intent. Courts ultimately determined that the camera was merely a tool, much like a paintbrush or chisel, and that the resulting photograph reflected the personal intellectual effort of the photographer. This decision reinforced the idea that copyright protection hinges not on the method of creation but on the presence of human creative input.

A similar debate emerged with the rise of digital art, computer-generated graphics, and electronic music. As technology provided artists with sophisticated tools to manipulate images, sounds, and text in ways that were previously impossible, questions arose about whether works created with substantial reliance on software and algorithms should still be considered human-authored. Courts and policymakers have consistently upheld the requirement that copyright protection applies only when a human creator exercises meaningful control over the final work. These precedents suggest that the legal system tends to view technological advancements as tools that assist human creativity rather than replace it.

This historical evolution of copyright law provides valuable insight into the current debates surrounding AI-generated content. Just as courts once had to determine whether photographs or digital works met the standard of originality, legal frameworks today must assess whether AI-generated content—produced with little to no human intervention—can be considered copyrightable. Given past legal trends, it is likely that future rulings will continue to emphasize the necessity of human involvement in the creative process. As AI continues to evolve and play a greater role in content creation, copyright laws may need to be reexamined once again to strike a

balance between fostering technological innovation and maintaining the fundamental³ principle that intellectual property rights are tied to human creativity. Denied copyright protection for an artwork created by an AI system developed by Stephens, and *Trade Marks (UK)*, addressed the question of whether AI could be recognized as an inventor under patent law. Thaler attempted to list an AI system as the inventor of a patent, claiming that it had independently created a new invention. However, the UK court rejected this argument, ruling that only natural persons can be named as inventors under patent law. This decision aligns with broader legal interpretations that intellectual property rights, including copyright, are fundamentally tied to human creativity and cannot be granted to AI.

While not directly related to AI, *Naruto v. Slater* provides a relevant legal precedent regarding non-human authorship. The case involved a macaque monkey named Naruto, who took a selfie using a camera belonging to photographer David Slater. A legal dispute arose over whether the monkey could hold copyright to the image, with animal rights activists arguing that the photo belonged to Naruto rather than Slater. The U.S. courts ultimately ruled that copyright law applies only to works created by humans, reaffirming the idea that non-human entities—including animals and AI—cannot be recognized as legal authors.

These cases demonstrate the legal system's consistent stance that copyright and other intellectual property protections require human authorship. While AI continues to evolve and play a larger role in creative industries, the law remains firmly rooted in the idea that only human creators can claim rights over their works. As AI-generated content becomes more prevalent, legal frameworks may need to adapt to address the challenges posed by AI-driven creativity while maintaining the fundamental principles of intellectual property law.

OWNERSHIP AND RIGHTS OF AI-GENERATED WORKS

Determining the rightful ownership of AI-generated content presents a complex legal challenge. Since AI itself lacks legal personhood and cannot hold rights, ownership is typically assigned to one of the following parties:

1. AI DEVELOPERS

The companies or individuals who design and develop AI systems may assert ownership over AI-generated works. In many cases, ownership is determined through contractual agreements, licensing terms, or intellectual property laws that grant rights to the creator of the AI system.

2. USERS OF AI SYSTEMS

If an individual provides specific prompts, data, or creative input that significantly influences the AI-generated content, they may have a claim to ownership. This approach recognizes human involvement as a key factor in determining copyright eligibility, though the extent of control and originality required remains a legal gray area.

3. EMPLOYERS

Under the work-for-hire doctrine, if an AI-generated work is created within the scope of an employee's job responsibilities, the employer may hold the rights to the output. This principle applies in corporate settings where AI tools are used as part of an employee's work process.

As legal frameworks continue to evolve, courts and policymakers are grappling with these ownership questions, seeking to establish clear guidelines for AI-generated content while balancing innovation with intellectual property protections.

CHALLENGES IN COPYRIGHT PROTECTION FOR AI-GENERATED

Works in content creation raises significant challenges for copyright law, particularly in areas of originality, moral rights, and liability. Traditionally, copyright protection has been granted to works that demonstrate human creativity, AI-generated content complicates this standard.

One major issue is originality and creativity, as copyright law generally requires works to be original and a product of human intellectual effort. Since AI systems generate content by analyzing and synthesizing existing data, courts may question whether AI-generated works meet the originality standard. If copyright remains limited to human creators, fully autonomous AI-generated works may be excluded from protection, leading to uncertainty over ownership.

Another concern is moral rights, which ensure proper attribution and protect an author's connection to their work. Since AI lacks identity or intent, applying moral rights becomes complex. Without an identifiable human author, there are uncertainties about how to handle misattribution, modifications, or distortions of AI-generated content.

Liability and infringement also present challenges, as AI models trained on copyrighted materials may unintentionally produce outputs resembling existing works. If an AI-generated work infringes on copyright, it is unclear whether responsibility lies with the AI developers, the users providing input, or the organizations distributing the content. The lack of clear guidelines complicates enforcement and raises ethical concerns about AI's impact on creative industries.

As AI continues to advance, these challenges highlight the urgent need for legal clarity and policy reforms to ensure copyright laws remain effective while supporting technological innovation.

FAIR USE AND AI-GENERATED WORKS

The doctrine of fair use is a fundamental principle in copyright law, designed to balance the rights of copyright holders with the public interest in fostering creativity, technological advancement, and knowledge dissemination. Traditionally, fair use allows for the limited use of copyrighted material without permission in specific circumstances, such as commentary, research, teaching, criticism, news reporting, and transformative works. However, the emergence of artificial intelligence as a tool for generating creative content has introduced significant legal and ethical challenges, particularly regarding how fair use applies to AI-generated works. Unlike human artists, musicians, and writers, AI systems do not possess intent, personal experiences, or emotional expression. Instead, they operate through complex machine-learning algorithms that analyze vast amounts of existing data to generate new content. This distinction has led to unresolved legal questions about whether AI training on copyrighted materials qualifies as fair use and whether AI-generated works should be considered derivative creations that require licensing or independent works free from prior claims.

A key point of contention is the process by which AI models, particularly large-scale generative models, are trained on vast datasets containing copyrighted books, articles, artworks, music, and videos. Some legal scholars argue that this process is analogous to human learning—just as artists study past masters, musicians take inspiration from existing compositions, and writers develop their craft by engaging with literature, AI models analyze patterns and styles to develop the ability to generate new content. Proponents of this view contend that because AI does not produce exact

replicas but rather synthesizes unique outputs based on statistical modeling, its training process should fall under fair use protections. However, critics argue that AI training differs fundamentally from human creativity because it involves systematic data scraping, large-scale replication, and, in some cases, the production of outputs that closely resemble copyrighted works. Unlike human artists, who filter inspiration through personal interpretation and originality, AI can generate content that is strikingly similar to its source materials, raising concerns about unauthorized use and potential copyright infringement. If an AI-generated work is too close to an existing copyrighted piece, it could undermine the fair use defense and expose AI developers or users to legal liability.

The classification of AI-generated content—whether it should be considered a derivative work or an original creation—is another critical issue. A derivative work is legally tied to an existing copyrighted piece and requires permission from the original copyright holder, whereas an independent creation has no such restrictions. If AI-generated content is deemed derivative, it could impose significant legal restrictions on AI development, requiring companies and individuals to secure licensing agreements before training AI models on copyrighted materials. This approach would provide stronger protections for human creators but could also stifle AI-driven innovation and limit access to AI tools in the creative industry. Conversely, if AI-generated works are classified as original, it could lead to an oversaturation of AI-produced content that directly competes with human-created works, potentially devaluing the creative industries and diminishing financial opportunities for artists, writers, and musicians.

Beyond the legal classification, another pressing concern in the fair use debate is the economic impact of AI-generated works on original creators. Copyright law considers whether an unauthorized use negatively affects the market for the original work, and AI-generated content that functions as a direct substitute for human-created works may weaken the case for fair use. For example, if an AI system is trained on a famous artist's portfolio and subsequently generates artwork that closely mimics their signature style, it could reduce the demand for the artist's original work and undermine their ability to profit from their creativity. Similarly, AI-generated books that mimic the distinctive writing style of best-selling authors could compete directly in the marketplace, leading to potential legal disputes over unauthorized reproduction and unfair competition. Courts may need to weigh whether AI-generated content serves as a transformative innovation that contributes to the creative ecosystem or merely exploits existing works in a way that diminishes their value.

Ethical considerations further complicate the fair use analysis for AI-generated content. Unlike traditional fair use cases where a human exercises creative discretion, AI systems operate autonomously, generating content without an identifiable author or a clear chain of accountability.

This raises significant questions about liability—if an AI model produces an infringing work, who is responsible?

Should legal responsibility fall on the AI developer who trained the model, the user who provided the prompts, or the organization that owns the AI system?

The absence of legal clarity regarding AI authorship and responsibility makes it difficult to establish consistent fair use policies, leading to legal uncertainty for content creators, AI developers, and policymakers alike.

As AI-generated content becomes more widespread, concerns also arise regarding its broader implications for intellectual property, artistic integrity, and the future of human creativity. Some fear that AI's ability to generate unlimited volumes of artwork, literature, and music could lead to the devaluation of human creativity, as AI-generated works flood the market and make it harder for original human-created content to stand out. Others argue that AI has the potential to enhance human creativity by serving as a tool for artists and writers, enabling them to explore new ideas and generate innovative works more efficiently. However, the lack of clear legal guidelines leaves content creators and AI users uncertain about their rights and obligations.

To address these challenges, lawmakers and courts must develop clearer legal frameworks that define the boundaries of fair use in the context of AI. Potential solutions include establishing specific guidelines for AI training on copyrighted materials, creating new legal categories for AI-generated works, or implementing licensing systems that ensure fair compensation for original creators whose works are used in AI training datasets. Until these legal questions are resolved, fair use remains a highly contested and unsettled issue in the realm of AI-generated content. The ongoing evolution of copyright law in response to AI will play a pivotal role in shaping the future of creativity, intellectual property, and the ethical use of artificial intelligence in artistic and commercial applications.

CONCLUSION

The rapid advancement of artificial intelligence has ushered in a new era of creativity, where machines can autonomously generate text, music, images, and other forms of artistic expression. As AI-generated works become more prevalent across industries, existing copyright laws are increasingly being challenged. Traditional legal frameworks, which have long been built on the assumption of human authorship, struggle to accommodate the complexities of AI-created⁴ content. Questions regarding ownership, authorship, and liability remain largely unresolved, creating uncertainty for artists, AI developers, businesses, and legal professionals alike.

A fundamental issue in this evolving landscape is the lack of clear legal recognition for AI-generated works. Since most copyright laws require human authorship, purely AI-generated content often falls into a legal gray area, leaving no clear owner or intellectual property protection. This uncertainty can discourage investment in AI-driven innovation while also raising concerns about potential misuse, such as AI models generating content that closely resembles copyrighted works without proper attribution or compensation.

To address these challenges, legal reforms are necessary to ensure that copyright law keeps pace with technological advancements. Policymakers must strike a delicate balance—one that fosters AI-driven innovation while safeguarding the rights of human creators. Potential solutions include introducing AI-specific intellectual property rights, clarifying ownership structures, and implementing ethical guidelines to prevent AI from undermining human artistic contributions. Additionally, legal systems must determine how fair use applies to AI, particularly regarding the use of copyrighted materials in training datasets.

The future of AI-generated content and its place in creative industries will ultimately be shaped by ongoing legal discussions, judicial rulings, and policy changes. As legislators and courts grapple with these complex issues, it is crucial to develop a regulatory framework that both embraces AI's transformative potential and upholds the fundamental principles of copyright law. By proactively addressing these concerns, society can ensure that AI serves as a tool for creative enhancement rather than a source of legal and ethical ambiguity.