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Protecting Moral Rights in AI-Generated Creativity: Balancing Innovation and Copyright Protection

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ABSTRACT

In November 2020, Ankit Sahni an artist-lawyer, while using his AI-based art tool, RAGHAV (Robust Artificially Intelligent Graphics and Art Visualizer) raised a debate regarding intellectual property rights and artificial intelligence when the Indian Copyright Office initially granted copyright registration to an artwork titled *Suryast*, listing the AI system RAGHAV as a co-author alongside its human creator, which lead to a major controversy.[2] However, the registration was later withdrawn after questions arose about the AI's legal status, reflecting the

uncertainty in regulations about AI-generated works. Section 2(d) of the Copyright Act 1957, defines "author" in a way that implies a natural person for most works, such as the person who creates a literary work or takes a photograph. However, Section 2(d)(vi) states that in the case of a literary, dramatic, musical, or artistic work that is computer-generated, the "author" is considered to be "the person who causes the work to be created".[3] Section 57 of the Copyright Act, 1957[4], recognises an author's special rights, safeguards moral rights namely the rights of paternity and integrity even after the transfer of economic rights, allowing authors to claim authorship and restrain any distortion or modification prejudicial to their honour or reputation, a principle consistently affirmed by Indian courts and rooted in Article 6bis of the Berne Convention. This research undertakes a doctrinal analysis of the evolution of artificial intelligence to assess whether existing copyright principles particularly those relating to authorship and moral rights are capable of accommodating creativity generated by AI systems.. It argues that while Indian law attempts to attribute authorship through a legal fiction, it remains ill-equipped to address moral rights concerns arising from AI systems trained on pre-existing copyrighted works. The study highlights the urgent need to recalibrate Indian copyright law to balance technological innovation with the protection of human creativity and moral rights in the evolving AI-driven creative ecosystem.

Keywords: Artificial Intelligence, Copyright Law, RAGHAV AI, moral rights, authorship, computer-generated works, originality, Berne Convention.

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[2] Astha Ojha, "AI and Copyright in India: Bridging the Digital Divide", Journal of Indian Law Institute (forthcoming), available at: https://negd.gov.in/wp-content/uploads/2025/10/Astha-Ojha-AI-Copyright-in-India-Bridging-the-Digital-Divide.pdf (accessed on January 15, 2026).

[3] Section 2(d) and 2(d)(vi) the Indian Copyright Act, 1957.

[4] Section 57, the Indian Copyright Act, 1957

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Introduction

Artificial Intelligence (AI) has rapidly expanded its creative potential which now enables artists to produce new forms of art through AI-assisted tools or through complete AI-generated content. The increasing use of artificial intelligence for artistic creation and literary composition and musical production has created essential problems about which party should receive credit for their work and who should hold ownership rights and who should bear responsibility when artificial intelligence operates independently from human control. The current transformation of the legal framework has uncovered two significant issues: the lack of appropriate attribution methods and the challenges in enforcing existing laws, particularly the moral rights doctrine, in cases involving non-human creators. The artwork *Suryast* demonstrates this uncertainty because Ankit Sahni used RAGHAV AI technology to create his work. The legal status of AI systems in terms of creative authorship remains ambiguous because the Indian Copyright Office initially recognized AI as co-authors but later revoked this recognition.[5] The creative industries have been experiencing transformations through Artificial Intelligence leading to creating entirely new methods for sharing artistic works and musical compositions and design projects and media content. The advanced algorithms together with machine learning techniques, enable AI to create content which was previously thought to require human intelligence and creativity to create. [6]The development of this technology leads to two outcomes which increase creative output while creating new challenges that need solutions through legal frameworks and ethical standards which address authorship rights and moral rights protection.

The field of generative art and design demonstrates one of AI's most important achievements within artistic fields. The Generative Adversarial Network (GAN) technology enables the creation of new visual artwork through its ability to learn visual patterns from extensive collections of existing artworks.[7] The systems enable artists to test different artistic styles through their hybrid artistic methods, which create new artistic forms that exist between human-made and machine-produced art. AI has achieved significant progress in the fields of music composition and production. AI-driven platforms use their musical database to create complete musical works through their ability to compose melodies and write lyrics.[8] The tools *MuseNet* and *Jukedeck*[9] demonstrate how machine learning technology allows artists and musicians to create music through their ability to imitate various musical styles while developing new sound patterns.[10] AI models currently supports media production work through

[5]AI-Generated Content & Copyright Law in India: Navigating the Legal Maze, IPLINK Asia, available at: https://www.iplink-asia.com/article-detail.php?id=1286
[6] Ray S, "Top 10 Machine Learning Algorithms in 2026", Analytics Vidhya (December 26, 2025), available at: https://www.analyticsvidhya.com/blog/2017/09/common-machine-learning-algorithms/
[7] He Y and Zhang S, "Enhancing Art Creation through AI-Based Generative Adversarial Networks in Educational Auxiliary System" (2025) 15 Scientific Reports 29202, available at: https://pmc.ncbi.nlm.nih.gov/articles/PMC12335513/
[8] "12 AI Music Generators That Create Original Songs in 2025", DigitalOcean (September 3, 2025), available at: https://www.digitalocean.com/resources/articles/ai-music-generators
[9] "M6: Multi-Generator, Multi-Domain, Multi-Lingual and Cultural, Multi-Genres, Multi-Instrument Machine-Generated Music Detection Databases", available at: https://arxiv.org/html/2412.06001v1
[10] Christian Mark, "The Future of Music: How Artificial Intelligence is Shaping the Industry", Medium (August 19, 2024), available at: https://medium.com/@djaiunknown/the-future-of-music-how-artificial-intelligence-is-shaping-the-industry-4578105d1a10

its ability to assist with content creation tasks. AI tools enable production teams to work more efficiently through automatic video editing capabilities and realistic visual effect creation and scriptwriting support. The technologies help content creators produce materials faster and at lower costs while content creators can customize their work to match audience tastes which results in better viewer experience. The AI system enables personalized experiences which enhance user interactions with their platform. AI systems use user behaviour analysis to create individual content recommendations that users receive through streaming platforms and social media and digital applications. Users experience increased satisfaction through personalized content which leads to stronger engagement between creators and their audiences. AI technology helps create interactive environments that deliver immersive experiences in both gaming and virtual reality settings. AI systems create virtual spaces which users can explore through their natural interactions with the environment while providing them with personalized storytelling experiences that adapt to their choices. The new interactive features allow users to take part in the creation process instead of just watching content. The progress created by these developments shows how AI technology can change creative fields but creates essential legal problems that need to be resolved. The growing use of AI to create content results in difficulties for traditional systems which define who should be recognized as authors and who should hold ownership rights and who should accept responsibility. The protection of moral rights which exist in direct connection to the personality and reputation of human authors presents challenges when dealing with works that AI systems create through either complete or partial autonomous processing. The research paper will investigate whether Indian copyright laws can effectively manage the new challenges brought about by artistic works created through artificial intelligence technologies. The study will investigate how technological progress conflicts with the need to protect creators' moral rights while promoting a legal framework that can adapt to changes in the artistic landscape driven by artificial intelligence.

2. Conceptual Framework

2.1 Meaning of Artificial Intelligence in Creativity

> *"The rise of the machines is here, but they do not come as conquerors, they come as creators." (*Andres Guadamuz)[11]

Firstly, we need to understand from where the Artificial Intelligence came into existence from:

- Warren McCulloch and Walter Pits completed the initial work that is now regarded as Artificial Intelligence, AI in 1943. They suggested an *artificial neuron model.*[12]
- Donald Hebb (1949) demonstrated an update technique for modifying the strength of

[11] *Artificial Intelligence and Copyright*, WIPO Magazine, available at: https://www.wipo.int/en/web/wipo-magazine/articles/artificial-intelligence-and-copyright-40141 (accessed on March 29, 2025).
[12] *History of Machine Learning*, University of Chicago, available at: https://machinelearning.uchicago.edu/history/ (accessed on March 30, 2025).

neural connections. This rule is known as the *Hebbian learning.*[13]

- Alan Turing, an English mathematician, invented machine learning in 1950. Alan Turing publishes "Computing Machines and Intelligence," along with a test idea. As a result, the Turing test was developed. "A Turing test can be used to evaluate a machine pene's capacity to display intelligent behaviour equal to human intelligence."[14]

- The "First artificial intelligence programme," Logic Theorist, was created by Allen Newell and Herbert A. Simon. This software proved 38 of 52 mathematical theorems and discovered new and more elegant proofs for some of them.[15]

The statement "AI does not replace human creativity but it enables musicians to create more innovative work" explains how AI helps creatives develop new artistic expressions. Generative artificial intelligence provides multiple benefits which include its ability to generate new concepts together with its capacity to promote active involvement during group idea development sessions. [16]

The system generates double the ideas which allows us to dedicate extra resources toward selecting the most effective solutions through critical analysis. Artificial Intelligence demonstrates its creative power by using computer systems and machine learning algorithms to create outputs which require human intelligence and artistic abilities. AI systems possess the ability to process extensive data collections while they detect patterns which enable them to create original artistic works throughout multiple fields including visual arts and music and literature and design. The systems create new work which does not exist in current artistic creations but their output shows elements of originality which create fundamental challenges about how we define creativity. AI-generated works can broadly be classified into different types of human involvement. Fully autonomous AI works allow the system to create content without human assistance after its initial programming. Human creators in AI-assisted works use their expertise to control and design the results which AI tools produce. The final output results from human input and machine processes which work together in hybrid or collaborative works. AI-assisted creation allows human authors to keep their creative authority while they use AI tools to improve their work efficiency and discover new ideas. The machine takes control of the content creation process because it establishes the final output through its operational procedures. The legal system needs this distinction because it affects how people identify authors of creative works and who gets copyright protection.

[13] Cooper SJ, *"Donald O. Hebb's Synapse and Learning Rule: A History and Commentary"* (2005) 28 Neuroscience & Biobehavioral Reviews 851.
[14] Oreški P, Oreški T and Ružić I, "Primary School Students' Awareness of the Ethical Aspects of Using Artificial Intelligence Tools" (2025), available at: https://files.eric.ed.gov/fulltext/EJ1486698.pdf
[15] Santos AD, "The First Artificial Intelligence Ever Created: Exploring the Origins and Legacy of AI", Unity Communications (2025), available at: https://unity-connect.com/our-resources/blog/what-was-the-first-ai
[16] Permuy JFS, *"How AI is Changing Professions Like Design, Art, and the Media"*, UOC, available at: https://www.uoc.edu/en/news/2025/ai-could-automate-creative-professions (accessed on February 25, 2026).

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2.2 The Indian Copyright Law

Recently, The Hon'ble Delhi High Court has taken a significant step in shaping the future of AI and copyright law in India. The Delhi Hight Court instructed, The Copyright Office under the Office of controller General of Patent, Designs and Trade Marks to determine whether the AI-generated artwork could be eligible for copyright registration, and was given eight weeks after its ruling on 10 April 2026 in *Dr. Stephen L. Thaler v. Union of India & Anr*. [17]. This direction comes in a petition filed by Stephen L. Thaler, involving his AI system DABUS, which creates new inventions without direct human consultation. The dispute centres around an artwork titled "*A Recent Entrance to Paradise*", which Thaler claims was created autonomously by AI, without human intervention. The Petitioner sought recognition of authorship for the AI-generated work. This raised a fundamental legal question as whether AI be recognised as an "author" under Indian law. Under the Copyright Act, 1957, authorship is traditionally limited to a "natural person." However, Thaler relies on the concept of "computer-generated works" under Section 2(d)(vi), arguing that authorship could instead vest in the person who causes the work to be created.

In India, copyright protection is governed by the Copyright Act, 1957.[18] Section 2(d) of the Act defines the term "author" in relation to different categories of works. It provides that:

1. In the case of a literary or dramatic work, the author is the author of the work.
2. In the case of a musical work, the composer is the author.
3. In the case of an artistic work, the artist is the author.
4. In the case of a photograph, the author is the person who takes the photograph.
5. In the case of a cinematograph film, the author is the producer.
6. In the case of a sound recording, the author is the producer.[19]

Section 2(d) of the Copyright Act 1957, defines "author" in a way that implies a natural person for most works, such as the person who creates a literary work or takes a photograph. However, Section 2(d)(vi)[20] states that in the case of a literary, dramatic, musical, or artistic work that is computer-generated, the "author" is considered to be "the person who causes the work to be created**"**. [21] Although the provision does not expressly state that an author must be human, its interpretation has consistently rested on the assumption that authorship vests in a natural or legal person. The statutory framework, read as a whole, presupposes human agency, creativity, and legal personality qualities that artificial intelligence does not possess. Indian copyright law does not recognise artificial intelligence as a legal person. The Court in *Dr. Stephen L. Thaler*

[17] Dr. Stephen L. Thaler v. Union of India & Anr. W.P.(C)-IPD 15/2026 & CM 87/2026 (Delhi High Court).
[18] *ibid*
[19] *ibid*
[20] *ibid*
[21] Section 2(d) the Indian Copyright Act, 1957.

*v. Union of India & Anr (supra)*ordered Copyrights Registrar to handle the application process which has been ongoing since March 2022. The next date 27 April 2026.

This decision could redefine Ownership rights in AI-generated content, the scope of authorship in Indian copyright law, and leading to creating a balance between human creativity and machine autonomy. India now stands at a pivotal juncture in aligning its legal framework with rapidly evolving AI technologies. In UK Supreme Court ruled in *Thaler v Comptroller-General of Patents 2023*[22] that inventors require to be natural persons because artificial intelligence systems cannot be accepted as inventors. The Court established that ownership of an AI system does not grant patent rights to its owner since patent rights require a human inventor to claim ownership. Federal Court of Australia reached the same conclusion in *Commissioner of Patents v Thaler 2022*[23] because patent law mandates that inventors must be natural persons and patent rights cannot be obtained through simple ownership of an AI system. The Court established that non-human inventors cannot be recognised under the existing statutory framework. AI training is done by datasets which are acquired from the internet, archives, and licensed databases. However, the outputs generated by AI are usually transformative in nature and based on learned patterns rather than direct reproduction. Unless an AI-generated work is substantially similar to an existing copyrighted work, the original data sources ordinarily cannot claim copyright in the output. The legal situation becomes more complex because Section 57 of the Copyright Act 1957[24] establishes protection for Authors moral rights function to safeguard their personal rights which include emotional and reputational interests because this rights protection requires authors to possess human mental awareness and dignity and personality. Extension of rights to AI systems inherently lack emotions and intent and personal identity creates fundamental problems for both the conceptual understanding and actual use of moral rights in machine-generated content.[25] Since AI cannot experience harm to reputation or honour, the very rationale underlying the rights of paternity and integrity becomes difficult to sustain when applied to non-human creators. The process of determining who bears responsibility for their actions which resulted in harm brings about extra difficulties. The current copyright system assumes that people who either exist as natural beings or as legal entities will take responsibility for all content they produce and distribute. The process of linking liability to AI-generated content becomes more difficult because the system does not provide a single person who can be recognised as the content creator. AI systems, which do not have legal personhood, cannot face traditional penalties nor can they assume conventional accountability. The current situation establishes a regulatory void because developers and users and AI systems themselves cannot be held accountable through established legal standards. The current legal framework needs immediate changes to address the dangers arising from AI

[22] Section 7, Patents Act, 1977 (United Kingdom).
[23] *Commissioner of Patents v. Thaler, 2022 FCAFC 62 (Full Federal Court of Australia).*
[24] The Indian Copyright Act, 1957.
[25] Malavika Sathyanathan, AI, Copyright, and Moral Rights: Legal Challenges for Authors in the Digital Era, International Journal for Legal Research and Analysis, available at: https://www.ijlra.com/details/ai-copyright-and-moral-rights-legal-challenges-for-authors-in-the-digital-era-by-malavika-sathyanathan-

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misuse in content creation, which happens because of insufficient redress systems that exist today which create problems for people who maintain both moral rights and liability issues.[26]

2.3 Moral Rights Doctrine

Under the moral rights doctrine creators should control their works because they see their creations as personal expressions of their identity. The system protects the personal bond between creators and their works by verifying their authorship rights and maintaining their work's original state. The right of paternity permits an author to identify themselves as the creator of a work while requiring others to acknowledge their authorship whenever that work becomes public knowledge. The system grants authors recognition while stopping others from incorrectly assigning their work which helps defend the author's public image. The right of integrity enables authors to refuse any changes which will harm their personal reputation through content distortion or complete removal of their work. This right preserves the original work's true artistic vision because creators use it to stop any alterations which would create false depictions of their artistic intent. Philosophical foundations of moral rights develop through two major theoretical frameworks. The personality theory, which links to Hegelian thought, considers a creative work to be an extension of its creator's personal identity. The labour theory, which derives from Lockean principles, states that people have the right to keep everything which their mental work produces. These theories show that copyright law has a human-centered base which faces new challenges because AI systems create artistic works. The Indian judiciary has used Section 57[27] to establish moral rights which extend beyond economic measurement. The Delhi High Court in *Mannu Bhandari v. Kala Vikas Pictures (P) Ltd 1986*[28] supported the author's case against the film adaptation which changed the original novel through its fundamental changes because the court decided that the contract between the parties did not permit changes to essential moral rights. The court recognised where the Authors mural destruction in *Amar Nath Sehgal v. Union of India*[29] as an author integrity right violation because it defined moral rights as essential to protecting cultural heritage which the court declared should be safeguarded. The judges rely on two basic beliefs which include their need to find both human authorship and permanent works that people can identify. The development of generative AI technology challenges both of these fundamental requirements. The traditional definition of human authorship does not apply to AI-generated output because such output consists of evolving systems that produce results through ongoing development and transformation. The current moral rights system defined in Section 57 fails to handle attribution issues and integrity matters and reputation damage which occur because of AI-generated content this creates an essential need for doctrinal and statutory solutions to Indian copyright legislation.

[26] National Law School University of India, "AI-Generated Art: A Challenge to Creative Integrity?", NLS Forum (April 10, 2025), available at: https://forum.nls.ac.in/ijlt-blog-post/ai-generated-art-a-challenge-to-creative-integrity/
[27] The Indian Copyright Act, 1957.
[28] *Mannu Bhandari v. Kala Vikas Pictures Pvt. Ltd.*, SCC OnLine Del 238.
[29] *Amar Nath Sehgal v. Union of India*, SCC OnLine Del 209.

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The U.S. Copyright Office maintains its position which shows that copyright law only protects works created by human beings.[30] The Office maintains its copyright registration policy which denies access to works created through AI systems because copyright law requires human creators to exist as the basis for protecting their creative work. The protection of moral rights establishes a vital connection between artistic rights and moral rights. The rights of paternity and integrity protect an author's dignity and reputation and their personal relationship with their work. AI systems operate without the ability to understand or express consciousness which prevents them from claiming rights to protections that require such understanding. The law does not recognize AI as a holder of moral rights because AI-generated outputs demonstrate artistic or literary value and these rights belong to human beings rather than machines.[31]

The current legal framework in the United States [32]allows protection for human-AI collaborative work through its existing laws, which permit protection under specific circumstances. A work receives protection based on human creative input when a person shows creative control through iterative prompting, which requires specific expression, and through selecting and organizing produced content together with making significant changes to the work. The protection extends only to elements created by human authors, while machine-generated content remains outside protection boundaries. The requirement for authors to publicly state their use of AI-generated content together with AI-generated content details creates a system that supports transparent and responsible authorship verification. The Indian legal system follows the same operational principles that Section 57 of the Copyright Act 1957 operates because their conceptual framework establishes identical connections. The author of a composite work retains paternity rights and integrity rights because moral rights extend only to human contributions made toward creating the hybrid work. The violation of moral rights occurs when a human-authored work gets distorted through misattribution. India needs to implement operational processes that require organizations to declare their AI usage through detailed source documentation, including records of their AI usage, all prompt details and their complete version history. The proposed measures will help establish authorship by providing greater clarity, which will help reduce conflicts about rights boundaries concerning complex human-AI collaborative works. he moral rights which Section 57 grants to authorship include paternity rights and integrity rights which function to safeguard authors' personal interests and their professional reputation. The implementation of these rights encounters difficulties because AI systems do not possess human characteristics therefore they cannot possess or utilize these rights. The process of distributing royalties becomes problematic when AI systems receive author status because there exists no established system for distribution. The process of assigning legal accountability for dangerous AI-generated material becomes difficult because AI systems cannot face charges which leaves only content removal and system access limitations as available solutions. Copyright laws at present face challenges because they do

[30] U.S. Copyright Office, *"Copyright and Artificial Intelligence: Part 2 – Copyrightability"* (2025), available at: https://copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-2-Copyrightability-Report.pdf

[31]Law S, *"AI-Generated Copyright Registration: The Case of 'Suryast'"*, Soundmark Law (July 24, 2024), available at: https://soundmarklaw.com/ai-generated-copyright-registration-the-case-ofsuryast/

[32] U.S. Copyright Office, "Copyright and Artificial Intelligence: Part 2 - Copyrightability" (2025) https://copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-2-Copyrightability-Report.pdf pages 15-19

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not acknowledge AI systems as valid legal authors thereby creating obstacles for their recognition as copyright holders.

3. The "Suryast" Case: An Overview

Copyright ownership is limited to individuals, companies, or other juristic entities capable of holding rights and assuming legal obligations. AI, irrespective of its sophistication or autonomy, continues to be treated as a tool or instrument rather than a rights-bearing entity.

First time in India the Copyright office had recognised an RAGHAV, a painting app which is an artificial intelligence tool as a co-author for a copyright-protected artistic work. Ankit Sahni, who owns the AI-based app is an intellectual property lawyer, the other author is registered as the copyright owner. The artist developed his painting which he named "Suryast" (see image below) because he wanted to create a work that would establish India as the first nation to allow AI machines to produce copyrighted material. Sahni submitted two copyright applications for two AI-generated artworks which he initially claimed to own completely. The first application which listed RAGHAV as the sole author was rejected. The second application which named both Sahni and the AI as co-authors was granted registration in November 2020. The copyright registration process included classified documents which Sahni submitted to the Indian Parliamentary Standing Committee about "protecting AI-created work as well as AI itself." Sahni has chosen to speak to Managing IP because the committee released its report on July 23 which did not provide details about registration. The name RAGHAV stands for Robust Artificially Intelligent Graphics and Art Visualizer because Raghav Gupta developed the app in 2019 as part of a funded project for Sahni. In an exclusive interview with Managing IP Sahni praised the copyright office's decision as bold and forward-looking. The current laws established their boundaries which new recognition needs to treat AI systems as artistic work co-authors because this development between countries requires governmental solutions. The registration process will experience legal problems because the current laws and court decisions create unclear situations. Copyright law in multiple global jurisdictions currently does not accept AI as a valid creator. Sahni explains that the Copyright Act in India does not establish clear rules about who can become an AI-based work author when no human involvement occurs. RAGHAV creates his artwork by learning different artistic techniques which he developed into an actual painting which uses Vincent van Gogh's Starry Night painting and Sahni's photograph as his main artwork sources. Gupta asserts that AI systems produce outputs which either match or exceed the quality which humans create. The development of AI protection rights will provide essential advantages to AI developers because it will attract further investments into their work according to him. The Parliamentary Standing Committee recommended that the existing Patents Act and Copyright Act require examination because both laws need to include AI and AI-based inventions into their frameworks. South Africa became the first nation to issue a patent which names DABUS and AI technology as the inventor after this news emerged.[33] The Suryast dispute when compared with the DABUS Thaler cases demonstrate how current intellectual property legislation suffers from its dependence on providing protection to human-based legal systems. The Suryast case

[33] Law S and Law S, "AI-Generated Copyright Registration: The Case of"Suryast" – Soundmark Law Professional Corporation" (*Soundmark Law Professional Corporation – Intellectual Property Law Firm*, July 24, 2024) <https://soundmarklaw.com/ai-generated-copyright-registration-the-case-ofsuryast/>

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demonstrated that AI authorship functions as a legal framework which defines the boundaries of moral rights that protect human dignity and personal identity, by not providing any recognition. The DABUS cases show how courts in multiple jurisdictions have permanently denied AI the status of inventor and rights-holder because legal rights must begin with human beings. Seemingly, that leads to moral rights protection getting prevented from AI owning rights which require consciousness and intent and reputational interests. The current legal system fails to handle the problem which emerges when artificial intelligence systems develop the ability to create content independently because existing laws do not acknowledge non-human authorship.

4. Comparative Jurisdictions

4.1 United Kingdom

The United Kingdom uses progressive methods to handle AI-generated content which falls under Copyright, Designs and Patents Act 1988 (CDPA) regulations. The Act's Section 9(3) applies to computer-generated works which state that works created by computers without human input credit their "author" as the person who organized the creation process. This legal assumption enables authorities to grant authorship rights even when creators fail to produce their work through direct human effort. The UK copyright system recognizes AI-generated works according to its existing framework but it does not grant moral rights to anything that exists as a non-human entity. UK law gives moral rights to human beings only because it considers natural persons to be the only ones eligible for these rights. The person who organizes a project receives economic rights while the human creator possesses moral rights which include dignity and personality rights. The system creates two separate categories because AI-generated content receives economic recognition while it lacks protection for moral rights.[34]

4.2 United States

The United States uses a more strict method because it requires all works to have human-created content. U.S. copyright law, as interpreted by courts and reaffirmed by the U.S. Copyright Office, requires that a work must be created by a human being to qualify for copyright protection. AI systems that create works without human assistance cannot be registered because they do not contain the required human creative content. The U.S. Copyright Office has provided guidance which explains that AI-generated content lacks copyright protection while works created through human-AI collaboration can receive copyright protection based on human contributions.[35] The term "human contribution" extends to cases where individuals control creative output through their choices of AI-generated material which they will order and change. The process requires applicants to reveal all instances where they used AI to develop their work. The United States system for moral rights protection provides only limited rights when compared to both Indian and European legal systems. The Visual

[34] Copyright and Artificial Intelligence, GOV.UK (March 19, 2026), available at: https://www.gov.uk/government/consultations/copyright-and-artificial-intelligence
[35] Tarsis, “Moral Rights of the (Human) Artist: An Updated US Perspective” (*lexology.com*, December 3, 2024) <https://www.lexology.com/library/detail.aspx?g=2fb7db28-134e-4bd4-872d-b3eb487bf70c>

Artists Rights Act (VARA) [36]extends moral rights recognition to a limited set of situations which protect only human authors. AI systems cannot possess moral rights because these rights exist exclusively as human attributes connected to personal identity and human rights.

4.3 European Union

The European Union has not established an official system which regulates AI-created content yet maintains its legal framework through strong protection of moral rights and author-centered governance. The EU copyright system bases its rules on the principle that authorship exists because authors create their works through mental labour which needs actual human participation.[37] The EU has taken a careful approach which relies on policies to address issues related to artificial intelligence. The current disagreement about whether AI-created content should receive legal protection has reached a point where people believe that copyright laws should protect both copyright and moral rights for all human authors. The EU established new rules through the AI Act which created binding obligations that enhance AI system transparency and accountability while ensuring ethical system operation.

The EU policy discussions now concentrate on three major topics which include: - Transparency in AI training data

- Attribution of human contributions
- Protection of creators whose works are used in AI training [38]

Although the EU acknowledges that AI technologies increasingly shape creative processes, it maintains its strong dedication to maintaining human-centered copyright law principles which apply to moral rights.

All jurisdictions like The United Kingdom, United States, and European Union all base their moral rights doctrine on the principle that authors retain those rights as human creators even when they transfer their economic rights. The jurisdictions recognise that authorship produces a creative work which extends beyond mere economic value because it embodies the author's personal identity and their social standing and human dignity, which allows authors to keep their moral rights. The jurisdictions maintain moral rights as personal rights which belong to authors because these rights originated from philosophical concepts about personal artistic expression and the protection of personal reputation. The current legal systems maintain their human creator requirement for moral rights while AI-generated works create a challenge to existing legal frameworks, which confirms the author-centered framework of copyright law. All jurisdiction currently have been rejecting applications stating that, in essence, an "inventor"

[36] Tarsis, "Moral Rights Of The (Human) Artist: An Updated US Perspective" (*Lexology.Com*, December 3, 2024) <Https://Www.Lexology.Com/Library/Detail.Aspx?G=2fb7db28-134e-4bd4-872d-B3eb487bf70c>
[37] *Visou,* "Moral Rights Under Eu Copyright Law" Challenges Of The Knowledge Society. Intellectual Property Law
[38] *Lucchi N, "Generative AI and Copyright: Training, Creation, Regulation" (2025) Report PE 774.095, European Parliament, available at: https://www.europarl.europa.eu*

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must be a human being, stating that still artificial intelligence fails the aspect of being a one true inventor.

5. Limitations of the Existing Framework

The existing Indian copyright system shows flexible application to some areas but restricts its capacity to protect creative works produced through artificial intelligence. The main problem exists because Section 2(d) legal fiction which designates authorship to the person who creates computer-generated works proves insufficient to address AI-generated content. This regulation attempts to adapt to technological advancements but fails to solve situations that involve AI systems with full operational independence. The provision does not clarify the threshold of human involvement required nor does it distinguish between mere facilitation and substantive creative contribution thereby creating ambiguity in authorship attribution. There exist obvious deficiencies which prevent Section 57 (moral rights) from being enforced effectively. Moral rights become difficult to apply because they require human personality and dignity rights which AI-generated content does not possess. The law fails to establish clear guidelines for assigning and executing moral rights when both human and AI elements exist in hybrid works. The lack of effective methods to detect and safeguard human authorship in AI-supported projects creates significant obstacles for upholding rights related to authorship and work integrity.

6. Proposed Solutions

he existing legal system requires an update to solve these current problems. First, there must be a clear recognition of human-centric authorship, reaffirming that copyright protection particularly moral rights should vest only in human creators. The established principle of copyright law exists to protect human intellectual artistic works and their creative output. The law will create a new classification for AI-created content which will be treated as separate from conventional intellectual property rights. The new category would enable limited economic rights together with related rights which do not mix AI-generated content with human artistic work thus maintaining legal principle separation. There exists an urgent requirement to enhance moral rights protection for hybrid artistic works which merge human creativity with artificial intelligence technology. The law must ensure that human authors receive proper credit for their work which should remain intact even when included in AI-generated content. The implementation of transparency standards for AI development and training activities needs immediate action. The required disclosures need to include provenance information and prompt history data and version control details which will help determine authorship while maintaining accountability and minimizing conflicts. The proposed actions will advance ethical AI development while protecting the rights of original creators whose work will be utilized in training datasets.

6.1 Balancing Innovation and Protection

The legal system requires a balanced approach which handles both technological progress and creator rights protection. According to the first point AI-based creativity should receive support

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because it enables artists to explore new artistic possibilities while achieving greater operational efficiency and broader public access. The creative technology industry depends on new advancements which become restricted when there exist excessive regulatory measures. Human authors deserve protection of their moral rights because their work needs to receive proper credit while safeguarding their reputation from any potential damage. The law needs to establish rules which protect human creativity from being diminished through machine-generated work which takes original content without permission. Policy implementation requires a balanced regulatory system which includes: Clear attribution standards for human contributions Limited and well-defined rights for AI-generated outputs Procedures which establish responsibility for cases of unauthorized use Harmonisation with international developments. [39]The approach would enable both innovation and protection to function together without creating opposing forces.

7. Conclusion

The development of Artificial Intelligence has progressed at a rapid pace which has created fundamental challenges for existing copyright laws that define authorship and artistic creation. The research demonstrates that current legal systems which function under the Copyright Act of 1957 have failed to keep pace with technological progress because they cannot manage the difficulties brought about by works created through artificial intelligence technology. The legal system depends on fictional legal concepts and the human-centered basis for moral rights which generate both theoretical and applied challenges when dealing with independent and combined artistic creations. The analysis confirms that moral rights which originate from the need to defend human dignity and personal rights and reputation, represent the most essential aspect of the fundamental framework. The rights of AI systems remain limited because these systems lack the ability to create original artistic works which necessitates clear boundaries between human and machine artistic output. The paper proposes a new legal framework which maintains human authorship as the fundamental element of copyright protection while creating specific rules for AI-generated content and enhancing moral rights protection in teamwork situations and establishing AI development procedures. The proposed changes will establish a legal system which adapts to new technological advancements while maintaining protection for human artistic expression. The legal system should establish human accountability for AI-created work because it needs to establish human control for technology attribution which protects human rights and responsibility in a changing technological environment.

[39] Li, "The Human Authorship Requirement in AI-Generated Works: A Comparative Analysis of Copyright Protection Frameworks" (*Researchgate*, November 2025)