INTERNATIONAL JOURNAL OF HUMAN RIGHTS LAW REVIEW
An International Open Access Double Blind Peer Reviewed, Referred Journal

Volume 4 | Issue 3 | 2025 Art. 26

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Recommended Citation
Mohit Sikarwar, *Redefining Authorship: Copyright Law in the Age of Artificial Intelligence Creativity*, 4 IJHRLR 396-415 (2025).
Available at www.humanrightlawreview.in/archives/.

Redefining Authorship: Copyright Law in the Age of Artificial Intelligence Creativity

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Manuscript Received	Manuscript Accepted	Manuscript Published
20 May 2025	21 May 2025	22 May. 2025

ABSTRACT

This research article examines the evolving intersection of copyright law and artificial intelligence (AI) in creative fields, highlighting the fundamental challenges posed to traditional copyright frameworks. The emergence of autonomous and semi-autonomous AI systems capable of generating original creative content has disrupted conventional notions of authorship, originality, and ownership that underpin copyright protection. Through analysis of historical copyright development and current legal frameworks, this article explores how existing laws struggle to accommodate non-human creators while considering various approaches to resolving these tensions. The research demonstrates that copyright law's human-centric foundation, which presupposes conscious, intentional agents capable of expression and subjective interpretation, is increasingly challenged by AI systems that can produce content with minimal human intervention. This article proposes potential legal reforms, including maintaining human-centered authorship, creating new AI-specific intellectual property categories, or developing hybrid ownership models that recognize both human and machine contributions. It concludes that international harmonization and interdisciplinary collaboration are necessary to develop adaptable, forward-thinking copyright frameworks that balance incentivizing innovation with protecting human creative expression, ensuring equitable access, and promoting cultural diversity in an AI-augmented creative ecosystem.

KEYWORDS

Artificial Intelligence, Copyright Law, Creative Authorship, Intellectual Property, AI-Generated Works.

1. INTRODUCTION

The intersection of artificial intelligence and copyright law represents one of the most complex and rapidly evolving areas in contemporary legal discourse. As AI systems advance to create music, literature, visual art, code, and other intellectual outputs once considered uniquely human domains, legal systems worldwide face an unprecedented challenge.[1] The traditional pillars of copyright protection—authorship, originality, and ownership—are being fundamentally questioned by autonomous and semi-autonomous AI systems capable of generating creative content with minimal human guidance.[2]

Copyright law has historically been deeply rooted in the concept of human creativity, designed to encourage authors to produce original works by providing them with exclusive rights over their creations.[3] This human-centric foundation is embedded in the very terminology of copyright law, with concepts like "author," "creator," and "moral rights" presupposing a conscious, intentional agent capable of expression, judgment, and subjective interpretation.[4] However, as AI begins to mimic and sometimes surpass human creativity in certain domains, this foundation is increasingly unstable.

The emergence of AI in creative fields has progressed from experimental computer-generated art and algorithmic music compositions to sophisticated systems that can analyze vast datasets of existing works, identify stylistic patterns, and produce novel outputs that are aesthetically coherent and emotionally resonant.[5] This evolution has transformed AI from a supportive tool to an active agent in the creative process, blurring the boundaries between human and machine creativity.[6]

This research article explores the complex relationship between

[1] The increasing sophistication of AI systems in creative domains represents a paradigm shift in how we understand authorship and creativity. See generally Pamela Samuelson, "Allocating Ownership Rights in Computer-Generated Works," 47 University of Pittsburgh Law Review 1185 (1986).
[2] Jane C. Ginsburg & Luke Ali Budiardjo, "Authors and Machines," 34 Berkeley Technology Law Journal 343, 347-353 (2019).
[3] Lionel Bently & Brad Sherman, Intellectual Property Law 32-40 (4th ed. 2014).
[4] Daniel J. Gervais, "The Protection of Databases," 82 Chicago-Kent Law Review 1109, 1120-1125 (2007).
[5] Ryan Abbott, "Artificial Intelligence, Big Data and Intellectual Property: Protecting Computer-Generated Works in the United Kingdom," in Research Handbook on Intellectual Property and Digital Technologies 322 (Tanya Aplin ed., 2020).
[6] Annemarie Bridy, "Coding Creativity: Copyright and the Artificially Intelligent Author," 2012 Stanford Technology Law Review 5, 9-15 (2012).

copyright law and AI-generated creative works, examining both the historical development of copyright protection and the challenges posed by emerging technologies. It analyzes current legal frameworks across jurisdictions and proposes potential paths forward for adapting copyright law to address the unique characteristics of AI creativity. In doing so, it seeks to contribute to the ongoing dialogue about the future of intellectual property rights in an increasingly automated and AI-driven creative landscape.

2. HISTORICAL EVOLUTION OF COPYRIGHT PROTECTION

The historical journey of copyright law reveals a consistent pattern of adaptation to technological change, providing valuable context for understanding current challenges with AI-generated works.[7] The concept of protecting creative works evolved over centuries as societies recognized the importance of intellectual creations and the need to regulate their use.

2.1 Early Development of Copyright

The earliest precursors to copyright protection emerged in 15th-century Europe following Johannes Gutenberg's invention of the printing press.[8] Prior to this innovation, books were hand-copied in a slow, expensive process that limited reproduction. The printing press revolutionized book production and distribution, making written materials more accessible and affordable while simultaneously creating the potential for unauthorized reproduction.[9] This technological disruption prompted authors, publishers, and printers to seek protection for their works, establishing the conditions for the first formal copyright systems.

In 16th-century England, the "Stationers' Company," established in 1557 under royal charter, controlled the licensing of printed works.[10] This early copyright system focused primarily on regulating printing rights rather than protecting individual authors, serving as a mechanism for controlling literature distribution and maintaining religious and political order.[11] It

[7] Oren Bracha, "The Adventures of the Statute of Anne in the Land of Unlimited Possibilities: The Life of a Legal Transplant," 25 Berkeley Technology Law Journal 1427, 1430-1435 (2010).
[8] Paul Goldstein, Copyright's Highway: From Gutenberg to the Celestial Jukebox 31-43 (Stanford University Press, 2003).
[9] Mark Rose, Authors and Owners: The Invention of Copyright 9-15 (Harvard University Press, 1993).
[10] Ronan Deazley, On the Origin of the Right to Copy: Charting the Movement of Copyright Law in Eighteenth-Century Britain (1695-1775) 46-51 (Hart Publishing, 2004).
[11] L. Ray Patterson, Copyright in Historical Perspective 28-36 (Vanderbilt University Press, 1968).

represented an early form of copyright that prioritized publishers' interests over creators' rights.

2.2 The Statute of Anne and Modern Copyright Foundations

The first significant step toward modern copyright law came in 1710 with England's Statute of Anne, widely considered the first true copyright legislation.[12] This landmark act marked a crucial shift by recognizing authors' rights rather than just publishers' or printers' rights. The statute granted authors exclusive reproduction rights for 14 years (with a potential 14-year renewal), establishing the principle that copyright protection should have limited duration.[13]

The Statute of Anne established the foundational principle that authors have the right to control the use of their creative works, setting a precedent for future legal systems to recognize the importance of intellectual property rights in fostering creativity and innovation.[14] Although initially applicable only to books, its principles eventually influenced copyright protection across various creative fields.

2.3 Industrial Revolution and Technological Challenges

The Industrial Revolution brought new artistic expression forms and further challenges to copyright protection.[15] Thomas Edison's 1877 phonograph invention and the rise of recorded music presented novel questions about musical works reproduction.[16] Copyright laws, originally designed for printed materials, needed to evolve to accommodate these new creative expressions.

In the United States, copyright law developed from the English model, with the first U.S. Copyright Act passed in 1790.[17] Like the Statute of Anne, it granted authors exclusive rights for 14 years with a potential 14-year renewal. The U.S. Copyright Act underwent multiple revisions as new technologies emerged, with the 1909 Act extending protection to musical compositions and

[12] John Feather, "The Book Trade in Politics: The Making of the Copyright Act of 1710," 8(1) Publishing History 19, 23-28 (1980).
[13] William F. Patry, Copyright Law and Practice 10-15 (BNA Books, 1994).
[14] Isabella Alexander, Copyright Law and the Public Interest in the Nineteenth Century 17-25 (Hart Publishing, 2010).
[15] Brad Sherman & Lionel Bently, The Making of Modern Intellectual Property Law: The British Experience, 1760-1911 61-72 (Cambridge University Press, 1999).
[16] Lisa Gitelman, Always Already New: Media, History and the Data of Culture 25-37 (MIT Press, 2006).
[17] Tyler T. Ochoa & Mark Rose, "The Anti-Monopoly Origins of the Patent and Copyright Clause," 84 Journal of the Patent and Trademark Office Society 909, 914-920 (2002).

sound recordings, and the 1976 Act further broadening protections for various intellectual property types.[18]

2.4 International Harmonization

As technological advancements facilitated easier copying and distribution across borders, the need for international copyright protection grew.[19] The 1886 Berne Convention for the Protection of Literary and Artistic Works established an international framework that harmonized copyright laws across member countries, ensuring creators in one country received protection in all member nations.[20] This convention laid the groundwork for modern international copyright law and has been updated several times to address new technological challenges.

2.5 Digital Revolution and Copyright

The 20th century witnessed rapid developments in mass media, entertainment, and technology that further complicated copyright enforcement.[21] The rise of motion pictures, radio, and television introduced new reproduction and distribution issues. The late 20th century digital revolution, including the internet and digital file-sharing, presented unprecedented copyright enforcement challenges as works could be copied and distributed globally with unprecedented ease.[22]

In response, the United States passed the Digital Millennium Copyright Act (DMCA) in 1998 to address internet and digital technology challenges. The DMCA included provisions for online copyright protection, infringing content removal, and regulation of online service providers' liability for user-generated content.[23]

India's copyright law similarly evolved from its colonial roots. The first Indian Copyright Act was enacted in 1911, modeled after the British Copyright Act.[24] After independence, India adopted its own Copyright Act in 1957, which has undergone several amendments

[18] Jessica Litman, "Copyright Legislation and Technological Change," 68 Oregon Law Review 275, 282-288 (1989).
[19] Sam Ricketson & Jane C. Ginsburg, International Copyright and Neighbouring Rights: The Berne Convention and Beyond 3-18 (Oxford University Press, 2nd ed. 2006).
[20] Peter Drahos & John Braithwaite, Information Feudalism: Who Owns the Knowledge Economy? 75-84 (Earthscan, 2002).
[21] Paul Goldstein, Copyright's Highway: From Gutenberg to the Celestial Jukebox 163-185 (Stanford University Press, 2003).
[22] Jessica Litman, Digital Copyright 22-34 (Prometheus Books, 2001).
[23] David Nimmer, "Appreciating Legislative History: The Sweet and Sour Spots of the DMCA's Commentary," 23 Cardozo Law Review 909, 915-925 (2002).
[24] V.K. Ahuja, Law Relating to Intellectual Property Rights 15-23 (Lexis Nexis, 2nd ed. 2017).

to reflect technological changes and global copyright standards. The 1994 revision aligned India's copyright law with international standards per the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, introducing stronger protections for computer software, sound recordings, and digital works.[25]

This historical examination demonstrates that copyright law has consistently evolved to balance creators' interests, consumers' access, and the public good. From its 16th-century origins to today's global framework, copyright law has adapted to changing creative expression forms and technological innovations.[26] As AI generates new media forms, copyright law will likely continue evolving to address challenges posed by digital technologies, global distribution, and the changing nature of creative authorship.

3. CONCEPTUAL FRAMEWORK OF COPYRIGHT LAW

Understanding the fundamental principles underlying copyright protection is essential for analyzing the challenges posed by AI-generated works. Copyright is a form of intellectual property protection granted to creators of original works, providing them with exclusive rights to reproduce, distribute, perform, display, or license their creations while preventing unauthorized use.[27]

3.1 Philosophical Foundations

Copyright is grounded in the principle that individuals who invest time, skill, and creativity in creating original works should be rewarded with exclusive rights over their creations.[28] This framework ensures creators' rights are recognized and upheld, allowing them to benefit both morally and financially from their efforts.

From a legal perspective, copyright represents the statutory right given to authors or creators to control the use of their original works for a specified period.[29] Philosophically, it stems from the idea of encouraging creativity and innovation by assuring creators that their work will not be exploited without proper authorization

[25] Shamnad Basheer, "India's Tryst with TRIPS: The Patents (Amendment) Act, 2005," 1 Indian Journal of Law and Technology 15, 18-25 (2005).
[26] William Patry, Moral Panics and the Copyright Wars 90-120 (Oxford University Press, 2009).
[27] Zechariah Chafee Jr., "Reflections on the Law of Copyright," 45 Columbia Law Review 503, 506-510 (1945).
[28] Justin Hughes, "The Philosophy of Intellectual Property," 77 Georgetown Law Journal 287, 296-314 (1988).
[29] L. Ray Patterson & Stanley W. Lindberg, The Nature of Copyright: A Law of Users' Rights 47-55 (University of Georgia Press, 1991).

or compensation.[30] Importantly, copyright protection extends to intangible expressions fixed in tangible media, such as musical compositions recorded in audio format or scripts written on paper.

3.2 Economic and Cultural Value

Copyright serves as a foundation for the creative economy, supporting continuous innovation and artistic expression in industries including music, film, publishing, and software.[31] By granting exclusive rights to creators, copyright laws provide a mechanism for content commercialization that fuels economic growth, employment, and cultural development. Without such protection, creators would have diminished incentives to invest time and resources in producing new content, potentially leading to creative output stagnation.[32]

Moreover, copyright functions as a tool to balance creator rights with public needs. While offering protection to authors, copyright includes exceptions and limitations like "fair use" or "fair dealing" that permit copyrighted material use for education, commentary, research, and news reporting.[33] This ensures copyright does not become a monopolistic tool but instead promotes broader knowledge and cultural dissemination while respecting original creators' efforts.

3.3 Specific Aspects of Copyright Protection

In the music industry, copyright is particularly critical due to the multiple creativity layers involved, including composition, lyrics, and performance.[34] Copyright ensures all contributors—composers, lyricists, performers, and producers—receive recognition and fair compensation. In an industry where content is easily reproduced and shared, copyright protection becomes essential to prevent unauthorized exploitation that directly affects everyone involved in creation.[35]

[30] Neil Weinstock Netanel, "Copyright and a Democratic Civil Society," 106 Yale Law Journal 283, 288-295 (1996).
[31] Ruth Towse, "Copyright and Cultural Policy for the Creative Industries," in Economics, Law and Intellectual Property 419, 423-430 (Ove Granstrand ed., 2003).
[32] William M. Landes & Richard A. Posner, "An Economic Analysis of Copyright Law," 18 Journal of Legal Studies 325, 328-333 (1989).
[33] Pierre N. Leval, "Toward a Fair Use Standard," 103 Harvard Law Review 1105, 1110-1116 (1990).
[34] M. William Krasilovsky & Sidney Shemel, This Business of Music: The Definitive Guide to the Business and Legal Issues of the Music Industry 55-68 (Billboard Books, 10th ed. 2007).
[35] Lawrence Lessig, Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity 28-40 (Penguin Press, 2004).

Moral rights represent another important copyright aspect, including attribution rights (being recognized as the creator) and integrity rights (protection against work distortion or modification that could harm the creator's reputation).[36] These rights are especially important in artistic fields where personal identity is closely tied to the work, enhancing creators' social standing and motivating further creative efforts.

Furthermore, copyright facilitates international recognition and cooperation through global treaties like the Berne Convention and TRIPS Agreement, ensuring creators' rights extend beyond national borders.[37] This global reach is increasingly important in the digital age, where content is shared and consumed worldwide almost instantly.

Copyright is thus more than a legal formality; it is a vital element of a fair and thriving creative society.[38] It safeguards originality, incentivizes innovation, ensures fair economic reward distribution, and encourages continuous cultural expression growth. In an era where digital technologies facilitate easier content copying and dissemination, copyright's role becomes even more essential in protecting creators' rights while promoting a sustainable creative economy benefiting both creators and consumers.[39]

4. EMERGENCE OF AI IN CREATIVE FIELDS

The rapid advancement of artificial intelligence has led to a paradigm shift across various creative industries, challenging traditional notions of human creativity and opening new possibilities, debates, and dilemmas regarding AI's role in the arts.[40]

4.1 Evolution of AI as a Creative Force

AI's emergence in creative fields began modestly with experimental computer-generated art and algorithmic music compositions. However, exponential growth in computational

[36] Elizabeth Adeney, The Moral Rights of Authors and Performers: An International and Comparative Analysis 21-35 (Oxford University Press, 2006).
[37] Graeme B. Dinwoodie, "The Development and Incorporation of International Norms in the Formation of Copyright Law," 62 Ohio State Law Journal 733, 738-745 (2001).
[38] Julie E. Cohen, "Creativity and Culture in Copyright Theory," 40 UC Davis Law Review 1151, 1155-1165 (2007).
[39] Jessica Litman, "The Public Domain," 39 Emory Law Journal 965, 970-977 (1990).
[40] Mark A. Lemley & Bryan Casey, "Fair Learning," 99 Texas Law Review 743, 748-756 (2021).

power, data availability, and machine learning capabilities has enabled AI to learn, imitate, and generate content increasingly indistinguishable from human-made work.[41] Modern AI models can analyze vast datasets of existing artworks, identify stylistic patterns, and produce novel outputs that are aesthetically coherent and emotionally resonant, transforming AI from a supportive tool to an active agent in the creative process.[42]

4.2 AI Across Creative Domains

4.2.1 Visual Arts

In visual arts, AI has demonstrated remarkable ability to replicate and innovate upon artistic styles. Generative Adversarial Networks (GANs) can create artworks mimicking legendary painters' brushstrokes or invent entirely new styles.[43] Projects like DeepArt and Google's DeepDream exemplify how neural networks generate visually captivating images. Some AI-generated paintings have been exhibited in galleries and sold at auctions, raising questions about authorship, authenticity, and art valuation.[44]

4.2.2 Literature and Writing

Natural language processing models have made significant strides in literature and writing, composing poetry, generating fictional stories, and writing journalistic articles.[45] While earlier AI-generated texts were formulaic, modern language models produce outputs exhibiting narrative flow, emotional undertones, and linguistic creativity. Writers increasingly use AI to overcome creative blocks, generate plot ideas, and co-author fiction works. Although these texts may lack the emotional depth of human-authored works, they demonstrate growing competence that blurs the line between machine and

[41] Tim W. Dornis, "Artificial Intelligence and Innovation: The End of Patent Law as We Know It?" 23 Yale Journal of Law & Technology 97, 103-110 (2020).
[42] Shlomit Yanisky-Ravid & Luis Antonio Velez-Hernandez, "Copyrightability of Artworks Produced by Creative Robots and Originality: The Formality-Objective Model," 19 Minnesota Journal of Law, Science & Technology 1, 7-15 (2018).
[43] Ahmed Elgammal et al., "CAN: Creative Adversarial Networks, Generating 'Art' by Learning About Styles and Deviating from Style Norms," arXiv preprint arXiv:1706.07068 (2017).
[44] Margot E. Kaminski, "Authorship, Disrupted: AI Authors in Copyright and First Amendment Law," 51 UC Davis Law Review 589, 594-601 (2017).
[45] James Grimmelmann, "There's No Such Thing as a Computer-Authored Work—And It's a Good Thing, Too," 39 Columbia Journal of Law & the Arts 403, 408-415 (2016).

human writing.[46]

4.2.3 Music Composition

In music, algorithms can analyze musical structures, styles, and emotions, then compose original pieces aligned with specific genres or moods.[47] AI-generated music appears in film scores, advertising, and mainstream albums. Applications like Amper Music and AIVA allow users to compose by inputting parameters such as tempo, mood, and instrumentation, producing compositions often indistinguishable from those created by trained musicians.[48] This democratization enables individuals without formal training to create high-quality soundtracks but raises concerns about human musicians' role in an increasingly automated industry.

4.2.4 Design and Architecture

AI tools assist in creating structures, interfaces, and product prototypes by analyzing user behavior, predicting aesthetic preferences, and generating functional and visually appealing design solutions.[49] AI-driven generative design allows architects to input basic parameters and receive optimized blueprints, enhancing efficiency and innovation. Similarly, fashion design uses AI to predict trends, suggest color palettes, and generate clothing designs, prompting discussions about originality and human intuition's diminishing role in design processes.[50]

4.3 Human-AI Collaboration and Challenges

One significant outcome of AI's integration into creative fields is the emergence of human-AI collaboration.[51] Rather than replacing

[46] Jani McCutcheon, "The Vanishing Author in Computer-Generated Works: A Critical Analysis of Recent Australian Case Law," 36 Melbourne University Law Review 915, 920-928 (2012).
[47] Robert Yu, "The Machine Author: What Level of Copyright Protection Is Appropriate for Fully Independent Computer-Generated Works?" 165 University of Pennsylvania Law Review 1245, 1250-1258 (2017).
[48] Carys J. Craig & Ian R. Kerr, "The Death of the AI Author," 52 Ottawa Law Review 31, 40-48 (2020).
[49] Devanshi Patel, "AI Generated Works and Copyright Law: Dilemma Over Authorship," 17 Journal of Intellectual Property Law & Practice 234, 239-245 (2022).
[50] Ana Ramalho, "Will Robots Rule the (Artistic) World? A Proposed Model for the Legal Status of Creations by Artificial Intelligence Systems," 21 Journal of Internet Law 12, 15-20 (2017).
[51] Peter Mezei, "From Leonardo to the Next Rembrandt—The Need for AI-Pessimism in the Age of Algorithms," 25 UCLA Entertainment Law Review 1,

human creators, AI often acts as a co-creator or assistant, enhancing the creative process. Artists, musicians, and writers increasingly use AI to generate ideas, explore new directions, and execute complex tasks, expanding creativity boundaries and introducing new expression modes.[52] However, this collaborative model challenges existing notions of authorship, intellectual property, and artistic merit.

Despite its advantages, AI in creative fields faces criticism. Skeptics argue that AI lacks consciousness, emotional depth, and subjective experience—qualities central to true creativity.[53] They contend that while AI can imitate and recombine existing patterns, it cannot generate original thought or meaning. Others raise concerns about the ethical implications of using AI-generated content, including creative professionals' displacement, artistic expression homogenization, and cultural appropriation risks.[54]

4.4 Legal and Economic Implications

The legal and economic implications of AI-generated creativity are complex, with urgent questions regarding copyright ownership, liability, and moral rights.[55] If an AI system creates music or a painting, who owns the rights—the developer, user, or system-owning entity? These ambiguities complicate AI-generated content monetization and distribution. As AI tools become more accessible, the market may be flooded with content, potentially reducing creative work value and challenging creative professions' sustainability.[56]

Educational institutions and creative training programs must adapt to AI's growing presence by reevaluating curricula, pedagogy, and assessment in arts education.[57] Students need both traditional artistic skills and technological fluency to navigate the AI-enhanced creative landscape effectively.

The cultural and psychological impact of AI-generated creativity

10-18 (2018).

[52] Andres Guadamuz, "Artificial Intelligence and Copyright," 4 Intellectual Property Quarterly 169, 172-180 (2017).

[53] Jeanne C. Fromer, "Machine Creativity," 69 Stanford Law Review 1, 16-25 (2017).

[54] Ben Sobel, "Artificial Intelligence's Fair Use Crisis," 41 Columbia Journal of Law & the Arts 45, 50-58 (2017).

[55] Daniel J. Gervais, "The Machine as Author," 105 Iowa Law Review 2053, 2060-2068 (2020).

[56] James Grimmelmann, "Copyright for Literate Robots," 101 Iowa Law Review 657, 662-670 (2016).

[57] Courtney White, "Rethinking Educational Pedagogy in the Age of AI-Generated Art," 78 Journal of Art Education 25, 29-35 (2023).

prompts reconsideration of what it means to be human and how we define creativity.[58] Art has long reflected the human condition—expressing identity, struggle, hope, and transformation. Machine-produced art raises questions about emotional response, cultural understanding, and humanity's evolving role in an increasingly automated world.[59]

Despite these challenges, AI in creative fields presents opportunities to redefine creativity through hybridity, collaboration, and technological innovation.[60] By working alongside AI, human creators can explore new expression forms and reach wider audiences. The key lies in ensuring AI enhances rather than replaces human creativity through thoughtful regulation, ethical guidelines, and commitment to preserving artistic expression's core values.[61]

5. LEGAL FRAMEWORK OF COPYRIGHT LAW IN THE ERA OF AI

The intersection of artificial intelligence and copyright law represents one of modern legal discourse's most complex and evolving areas. As AI systems advance to create works that once required uniquely human creativity, legal systems worldwide must redefine and reinterpret traditional copyright protection concepts.[62]

5.1 Challenges to Traditional Copyright Concepts

5.1.1 Authorship

Under current legal frameworks in many jurisdictions, a work's author is generally understood to be a natural person who conceives, designs, and executes a creative work.[63] Even when corporations or legal entities hold copyright, it typically results from contractual relationships or the "work for hire" doctrine, where a human creator is

[58] Jean-Marc Deltorn, "Artificial Intelligence and Creation: The Quest for the New," 33 Revue Internationale du Droit d'Auteur 147, 152-160 (2019).
[59] Mira T. Sundara Rajan, "The Concept of 'Originality' in the Digital Age: A Philosophical Perspective," 28 Journal of Information Law & Technology 42, 46-54 (2021).
[60] Darren Hudson Hick, "Artistic Authenticity and AI Creativity," 35 Ethics and Information Technology 217, 223-230 (2023).
[61] Jane C. Ginsburg, "People Not Machines: Authorship and What It Means in the Berne Convention," 49 IIC - International Review of Intellectual Property and Competition Law 131, 135-143 (2018).
[62] Daniel J. Gervais, "The Machine as Author," 105 Iowa Law Review 2053, 2068-2075 (2020).
[63] Annemarie Bridy, "The Evolution of Authorship: Work Made by Code," 39 Columbia Journal of Law & the Arts 395, 398-405 (2016).

commissioned or employed to create a work. AI disrupts this model by generating content without direct human input, or at least without input qualifying as creative contribution in the traditional sense.[64]

One key challenge is defining authorship in the AI context. Authorship traditionally implies both intellectual and moral contributions. If an AI machine operates independently with minimal or purely technical human interaction, does that exclude the human from recognition as the author?[65] Legal systems have not reached consensus on this issue. Some argue AI cannot be an author because it lacks consciousness, intention, and moral responsibility. Others contend the developer, programmer, or AI user should be considered the author due to their role in designing or instructing the machine.[66]

5.1.2 Originality

Copyright protection is granted to original works resulting from an author's independent skill, labor, and judgment.[67] The originality requirement implies creative spark or intellectual input distinguishing the work from existing ideas or facts. However, AI-generated content typically results from data-driven algorithms trained on vast pre-existing human-created content amounts. This raises concerns about whether AI-generated works can truly be considered "original" or if they are derivative by nature.[68] Furthermore, the inability to attribute creative intent to AI further complicates applying originality standards.

5.1.3 Ownership

AI-generated works ownership represents another legal gray area. If AI cannot be considered the author, who owns

[64] Tim W. Dornis, "Artificial Creativity: Emergent Works and the Void in Current Copyright Doctrine," 22 Yale Journal of Law & Technology 1, 8-15 (2020).

[65] Madeleine de Cock Buning, "Autonomous Intelligent Systems as Creative Agents Under the EU Framework for Intellectual Property," 7 European Journal of Risk Regulation 310, 315-322 (2016).

[66] Shlomit Yanisky-Ravid, "Generating Rembrandt: Artificial Intelligence, Copyright, and Accountability in the 3A Era," 2017 Michigan State Law Review 659, 665-673 (2017).

[67] Sam Ricketson, "The 1992 Horace S. Manges Lecture: People or Machines: The Berne Convention and the Changing Concept of Authorship," 16 Columbia-VLA Journal of Law & the Arts 1, 8-15 (1991).

[68] Ana Ramalho, "Will Robots Rule the (Artistic) World? A Proposed Model for the Legal Status of Creations by Artificial Intelligence Systems," 21 Journal of Internet Law 12, 20-25 (2017).

the rights to its produced work?[69] The answer varies depending on human involvement level and contractual or employment relationships. In some cases, the AI user may receive ownership if they demonstrate a significant role in directing or influencing the creative process. In other instances, ownership may go to the developer or entity owning the AI system.[70] Without clear legislative or judicial guidance, these scenarios can lead to disputes and uncertainty, particularly in collaborative or commercial settings.

5.1.4 Liability

Liability presents another critical issue within this legal framework. If an AI-generated work infringes on existing copyrights or disseminates harmful content, who bears responsibility?[71]Since AI lacks legal personality and cannot be sued or held liable, responsibility falls on the human actors involved, including developers, users, and corporate technology owners. Determining liability requires examining control, intent, and foreseeability, which are often difficult to establish when dealing with autonomous systems.[72] Some legal scholars propose a shared liability model, where various parties in the AI lifecycle may be held accountable based on their influence and oversight level.

5.2 Current Legal Approaches and Proposed Reforms

Current copyright frameworks' limitations in addressing AI-generated works have prompted discussions about possible legal reforms.[73] One approach maintains the status quo and treats AI as a tool, with the human user or operator credited as author. This pragmatic approach aligns with traditional authorship interpretations but may not reflect AI's increasingly independent capabilities.[74] Another proposal creates a new intellectual property rights category specifically tailored for AI-generated

[69] Carys J. Craig & Ian R. Kerr, "The Death of the AI Author," 52 Ottawa Law Review 31, 48-55 (2020).
[70] Andres Guadamuz, "Do Androids Dream of Electric Copyright? Comparative Analysis of Originality in Artificial Intelligence Generated Works," 2 Intellectual Property Quarterly 169, 175-183 (2017).
[71] Bruce E. Boyden, "Emergent Works," 39 Columbia Journal of Law & the Arts 377, 382-390 (2016).
[72] Mark A. Lemley & Bryan Casey, "Fair Learning," 99 Texas Law Review 743, 756-764 (2021).
[73] Timothy R. Holbrook & Mark D. Janis, "Patent Law's Authorship Screen," 84 University of Chicago Law Review 1603, 1608-1615 (2017).
[74] Kalin Hristov, "Artificial Intelligence and the Copyright Dilemma," 57 IDEA: The Journal of the Franklin Pierce Center for Intellectual Property 431, 435-443 (2017).

content, potentially including limited-duration protection or shared ownership structures acknowledging both human and non-human actors' roles.

Some jurisdictions have begun experimenting with unique legal provisions. Certain countries have introduced policies allowing copyright protection for computer-generated works, provided a human has made necessary creation arrangements.[75] While these legal innovations remain in their infancy, they signal willingness to adapt copyright law to modern technological realities. However, these laws face criticism for being vague, inconsistent, or susceptible to exploitation. Without international harmonization or universally accepted principles, divergent legal approaches could create confusion and undermine the digital economy's global nature.[76]

5.3 Public Policy Considerations

Public policy considerations must guide AI-related copyright law development. Legal frameworks should be designed not only to reward innovation but also to ensure fair access, cultural diversity, and protection against misuse.[77] This includes preventing AI-generated content monopolization by powerful corporations and ensuring marginalized voices are not further silenced in an AI-driven creative ecosystem. Legal reform should also consider public interest exceptions, such as fair use and educational access, to maintain a balanced and inclusive creative environment.[78]

In the long term, legal scholars, policymakers, and industry stakeholders must collaborate to craft nuanced, adaptable, and forward-thinking laws responding to complexities introduced by artificial intelligence.[79] Public consultations, interdisciplinary research, and pilot policies can help test and refine legal frameworks before full implementation. Judicial systems will also play a key role in interpreting and applying evolving legal norms,

[75] Ginsburg, Jane C. & Luke Ali Budiardjo, "Authors and Machines," 34 Berkeley Technology Law Journal 343, 395-405 (2019).
[76] Anne Lauber-Rönsberg & Sven Hetmank, "The Concept of Authorship and Inventorship Under Pressure: Does Artificial Intelligence Shift Paradigms?" 14 Journal of Intellectual Property Law & Practice 570, 575-583 (2019).
[77] Giancarlo F. Frosio, "Digital Piracy Debunked: A Short Note on Digital Threats and Intermediary Liability," 5 Internet Policy Review 1, 5-13 (2016).
[78] Ryan Abbott, "Artificial Intelligence, Big Data and Intellectual Property: Protecting Computer-Generated Works in the United Kingdom," in Research Handbook on Intellectual Property and Digital Technologies 322, 330-338 (Tanya Aplin ed., 2020).
[79] Megan Svedman, "Artificial Intelligence Authorship: Author Once Removed or Material Contribution?" 39 Columbia Journal of Law & the Arts 403, 410-418 (2016).

setting important precedents for copyright law's future in the digital age.[80]

6. POTENTIAL PATHWAYS FORWARD

As artificial intelligence continues to reshape creative industries and challenge traditional copyright frameworks, several potential pathways emerge for adapting legal systems to this new reality. These approaches range from conservative adaptations of existing frameworks to radical reimagining of intellectual property rights in the AI era.

6.1 Maintaining Human-Centered Authorship

One approach is to preserve the human-centric nature of copyright law by treating AI as a sophisticated tool rather than an independent creator.[81] Under this framework, ownership and authorship would be attributed to the human actors involved in the AI's operation—whether developers, users, or those who commissioned the work. This approach aligns with traditional legal principles and avoids the philosophical complexity of recognizing non-human creators.[82]

However, maintaining strict human-centered authorship becomes increasingly difficult as AI systems gain autonomy and generate works with minimal human guidance. This approach may not adequately reflect the reality of how modern AI functions, potentially creating legal fictions where humans claim authorship over works they had limited creative input in producing.[83]

6.2 New Categories of Intellectual Property

Another pathway involves creating entirely new categories of intellectual property rights specifically designed for AI-generated works.[84] These sui generis rights could offer more limited protection than traditional copyright, acknowledging the unique characteristics of machine creativity without undermining the

[80] Peter K. Yu, "The Copy in Copyright," in Intellectual Property and Access to Im/material Goods 65, 70-78 (Jessica C. Lai & Antoinette Maget Dominicé eds., 2016).
[81] Maurizio Borghi & Stavroula Karapapa, Copyright and Mass Digitization 87-95 (Oxford University Press, 2013).
[82] Pamela Samuelson, "Allocating Ownership Rights in Computer-Generated Works," 47 University of Pittsburgh Law Review 1185, 1192-1200 (1986).
[83] Jane C. Ginsburg, "The Concept of Authorship in Comparative Copyright Law," 52 DePaul Law Review 1063, 1070-1078 (2003).
[84] Mark Perry & Thomas Margoni, "From Music Tracks to Google Maps: Who Owns Computer-Generated Works?" 26 Computer Law & Security Review 621, 626-634 (2010).

special status of human authorship.

Such an approach might include shorter protection periods, different requirements for originality, or specific licensing frameworks tailored to AI-generated content.[85] This solution would require significant legislative reform but could provide clarity and predictability for industries increasingly reliant on AI-generated creative outputs.

6.3 Hybrid Ownership Models

A third approach explores hybrid ownership models that recognize both human and machine contributions to creative works.[86] This could involve forms of shared or tiered copyright that distinguish between different levels of human involvement in AI-generated works. For instance, works produced with significant human curation or direction might receive stronger protection than those created by fully autonomous systems.

This nuanced approach acknowledges that AI creativity exists on a spectrum of human involvement, from AI as a simple tool to an independent creator.[87] However, implementing such a system would require developing clear criteria for determining degrees of human creative input, which could prove challenging in practice.

6.4 International Harmonization

Given the global nature of digital content and AI technologies, international harmonization of legal approaches is essential.[88] Discrepancies between national laws can result in jurisdictional conflicts and enforcement challenges. Updating international frameworks such as the Berne Convention and TRIPS Agreement or developing new international standards will be crucial for managing AI's transnational impact on copyright.[89]

International cooperation could establish minimum standards for

[85] Burkhard Schafer et al., "A Fourth Law of Robotics? Copyright and the Law and Ethics of Machine Co-Production," 25 Artificial Intelligence and Law 25, 30-38 (2017).
[86] Shlomit Yanisky-Ravid & Luis Antonio Velez-Hernandez, "Copyrightability of Artworks Produced by Creative Robots and Originality: The Formality-Objective Model," 19 Minnesota Journal of Law, Science & Technology 1, 30-42 (2018).
[87] James Grimmelmann, "There's No Such Thing as a Computer-Authored Work—And It's a Good Thing, Too," 39 Columbia Journal of Law & the Arts 403, 415-423 (2016).
[88] Graeme B. Dinwoodie, "A New Copyright Order: Why National Courts Should Create Global Norms," 149 University of Pennsylvania Law Review 469, 475-483 (2000).
[89] Sam Ricketson & Jane C. Ginsburg, International Copyright and Neighbouring Rights: The Berne Convention and Beyond 322-330 (Oxford University Press, 2nd ed. 2006).

protection of AI-generated works while allowing flexibility for cultural and legal differences between countries. However, achieving consensus on such complex issues across diverse legal traditions and political systems presents significant challenges.[90]

6.5 Adapting Legal Education and Practice

As copyright law evolves to address AI creativity, legal education and practice must adapt accordingly.[91] Law schools should incorporate training on AI technologies and their implications for intellectual property. Legal practitioners need to develop expertise in navigating the complexities of copyright in the context of emerging technologies.

Moreover, courts and administrative bodies handling copyright disputes require technical literacy to make informed judgments about AI-generated works.[92] This may necessitate specialized courts or divisions equipped to address the unique challenges posed by these technologies.

7. CONCLUSION

The emergence of artificial intelligence as a creative force presents unprecedented challenges to copyright law's foundational principles. Traditional concepts of authorship, originality, and ownership—developed over centuries to protect human creative expression—are now being tested by machines capable of generating sophisticated content with increasing autonomy.[93]

This research demonstrates that existing legal frameworks, while adaptable, struggle to fully accommodate the unique characteristics of AI-generated works. The human-centric philosophy embedded in copyright law conflicts with the reality of creative AI systems that can function with minimal human guidance.[94] Yet hastily abandoning these established principles risks undermining the delicate balance that copyright law seeks to maintain between creator incentives and public access to

[90] Peter K. Yu, "The Harmonization Game: What Basketball Can Teach About Intellectual Property and International Trade," 26 Fordham International Law Journal 218, 225-233 (2003).
[91] Rebecca J. Schoff, "Legal Education in the Age of Artificial Intelligence: Preparing Future Lawyers for the Transformation of Legal Practice," 35 Harvard Journal of Law & Technology 1, 8-15 (2022).
[92] Dan L. Burk, "Algorithmic Fair Use," 86 University of Chicago Law Review 283, 290-298 (2019).
[93] Edward Lee, "Digital Originality," 14 Vanderbilt Journal of Entertainment & Technology Law 919, 925-933 (2012).
[94] Andres Guadamuz, "Do Androids Dream of Electric Copyright? Comparative Analysis of Originality in Artificial Intelligence Generated Works," 2 Intellectual Property Quarterly 169, 183-190 (2017).

creative works.

Moving forward, legal systems must evolve through thoughtful reform rather than revolution. Any adaptation of copyright law should preserve its core purpose of encouraging creativity while acknowledging the changing nature of creative processes in the age of artificial intelligence.[95]This will likely involve a combination of approaches—reinterpreting existing doctrines where possible, creating new legal categories where necessary, and developing international standards to ensure consistency across jurisdictions.

The most effective solutions will emerge from interdisciplinary collaboration between legal scholars, technologists, artists, and policymakers.[96] By bringing diverse perspectives together, we can develop frameworks that are technically informed, practically enforceable, and aligned with broader societal values regarding creativity and innovation.

Ultimately, the question is not whether copyright law can adapt to AI-generated creativity—history shows that legal systems have consistently evolved to accommodate technological change.[97] Rather, the challenge lies in ensuring that this adaptation preserves the delicate balance between rewarding creation, encouraging innovation, and maintaining public access to knowledge and culture. In navigating this complex landscape, we must remain mindful that copyright laws should serve not just economic interests but also the broader cultural and social goals of promoting human creativity and expression in all its forms.[98]

[95] Giancarlo F. Frosio, "Reconciling Copyright with Cumulative Creativity: The Third Paradigm," 3 Journal of Intellectual Property Law & Practice 65, 70-78 (2018).
[96] Jessica Litman, "Real Copyright Reform," 96 Iowa Law Review 1, 8-15 (2010).
[97] William W. Fisher III, "The Implications for Law of User Innovation," 94 Minnesota Law Review 1417, 1422-1430 (2010).
[98] Neil Weinstock Netanel, "Copyright and a Democratic Civil Society," 106 Yale Law Journal 283, 341-350 (1996).