

Copyright vs. AI Innovation

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Copyright vs. AI Innovation: The Emerging Legal Battle

Context

In a significant legal development, **Ziff Davis**, a major publishing company, has sued **OpenAI** for **copyright infringement**, alleging that OpenAI's AI models used copyrighted material without authorization.

This case brings to light the growing friction between **rapid advancements in generative AI** technologies and **existing intellectual property laws**, particularly **copyright law**. Given the transformative impact of AI on creativity and ownership rights, this issue is increasingly important for **lawmakers**, **technology developers**, and **creators**, making it highly relevant for **UPSC/KPSC Civil Services Examination** under **Science and Technology**, **Polity**, and **Ethics** topics.

What is Copyright Law?

• Copyright is a legal right granted to creators of literary, dramatic, musical, and artistic works, as well as producers of cinematograph films and sound recordings.

Objective

• To **safeguard the creator's original expressions** from unauthorized use such as copying, adapting, or distributing.

Duration of Copyright

• In India, under the Copyright Act, 1957:

For literary, dramatic, musical, and artistic works:
→ Author's lifetime + 60 years from the year following their death.

• For cinematograph films, sound recordings, photographs: \rightarrow 60 years from the end of the year of first publication. **Post-Ownership Period**

• After expiration, the work enters the **public domain**, allowing **free public use**.

Exemptions

- Limited exceptions are provided for:
 - Private use
 - Non-commercial use

Previous Encounters of Copyright Law with Technology

- **Photocopying Machine**: Fear that easy copying would undermine the creator's rights.
- Internet Boom: Widespread access to creative works online raised concerns about bypassing legal permissions.

Generative AI and Copyright Challenges

What is Generative AI?

• Generative AI creates new content — text, images, music, videos — based on patterns learned from existing data.

• It goes beyond traditional AI which primarily focuses on analysis and prediction.

Copyright Issues with Generative AI

• Training on Copyrighted Content:

- AI models are trained on **massive datasets**, including copyrighted works, often **without authorization**.
- Replacement of Human Authors:
 - AI is not just accessing but **replacing** human creativity.
- Loss of Creative Authenticity:
 - Rise of AI-generated content risks **eroding human originality** in arts and literature.
- Unfair Competition:
 - AI could produce **similar competing products**, **diverting users** from original creators.
- Infringement of Personality Rights:
 - Using a **singer's voice** or **actor's likeness** without permission violates **publicity rights**.
 - Example:

 \rightarrow Amitabh Bachchan v. Rajat Nagi (2022): Legal protection against misuse of personality traits was granted.

Challenges in Enforcing Copyright Laws for AI-Generated Content Key Challenges

• Blurred Lines of Ownership:

Confusion over who owns AI-generated work:
→ Human prompter, AI system, or developer?

- Identifying Infringement:
 - $\circ~$ Difficult to trace infringement due to AI's $\ensuremath{\textbf{learning process}}$ rather than direct copying.

- Defining Originality:
 - Challenging to assess if AI-generated content is **sufficiently original** or **derivative**.
- Determining Authorship:
 - $\circ~$ No clear provisions for AI authorship in existing laws.
 - **U.S. Standard**: Minimal human creativity sufficient.
 - EU Standard: Requires substantial human input.
- Scale of Use:
 - Massive volume of AI-generated content makes large-scale monitoring and enforcement difficult.

What Lies Ahead?

Necessary Steps for the Future

• Updating Copyright Laws:

• Laws must evolve to address AI-generated content and AI training practices.

Monitoring Training Datasets:

• Implement mechanisms to regulate datasets used in AI model training.

• Ensuring Developer Compliance:

 $\circ\,$ AI developers must ensure their training data acquisition follows legal norms.

• Reclassifying Data Usage:

• Data laws must classify different types of usage, distinguishing between training,

public access, and commercial exploitation.

- Protecting Original Creators:
 - A balance must be struck between **technological innovation** and **fair recognition and compensation** for original creators.

Conclusion

Generative AI is reshaping the creative economy, democratizing content creation. However, without robust legal safeguards, it risks **displacing human creativity** and **undermining intellectual property rights**.

Policymakers, industry stakeholders, and legal experts must work together to modernize copyright frameworks, ensuring that innovation progresses without sacrificing the rights and recognition of original creators.