

Artificial Intelligence and Copyright in India: A Socio-Legal Perspective

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“The trouble is it does good things for us, but it can make horrible mistakes by not knowing what humanness is”.

Steve Wozniak

ABSTRACT

The rapid use to Artificial Intelligence in different fields has transformed our day-to-day activities. Thus, the field of Intellectual properties is no exception, and Artificial Intelligence has been extensively used in creative and innovative field and it plays a very crucial role in Copyright Law amongst the other Intellectual Property Rights.

Artificial intelligence (AI) is regarded from a socio-legal perspective not just in terms of its technological capabilities, but also in terms of its interactions with society and the legal system. The term “artificial intelligence” refers to the creation of computer systems or software capable of doing tasks that would typically need human intelligence. These tasks include learning, thinking, problem solving, perception, language comprehension, and interaction.

This article looks at the interaction of Artificial Intelligence (AI) and Copyright Law in India from a socio-legal standpoint. As Artificial Intelligence technologies evolve, they present distinct difficulties to existing Copyright Law. This paper looks at the implications of Artificial Intelligence and the societal consequences of these advances. Given India's extensive effort in the field of AI, the following research paper would be useful in determining the socio-legal implications of use Artificial Intelligence and Copyright in India, it shall provide insights of whether people are aware about the concept of Artificial Intelligence and Copyright, potential concerns and future possibilities by conducting a thorough review of articles, case studies, and empirical research by way of questionnaires.

KEYWORDS

Intellectual Property Rights, IPR, Artificial Intelligence, AI, Generative-AI, Chat GPT, Copyright.

INTRODUCTION

Intellectual Property (IP) refers to human-created content that is innovative, original, and unique, including ideas, art, music, and other creative works. Intellectual property laws give the producers of these works exclusive rights, protecting their unique and distinctive contributions. Copyright, a subclass of intellectual property, protects original literary, artistic, and musical works created by humans, guaranteeing that creators retain control and benefit from their distinctive and inventive works.

Artificial Intelligence is increasingly impacting many industries, including the creative sector. The convergence of Artificial Intelligence and Copyright Law presents important obstacles and potential, especially in a complicated Legal Environment such as India.

Many well-known technical experts from around the world, as well as certain legal titans in India, have expressed worry about the negative repercussions of overused of AI in a number of spheres of society. As stated by physicist Stephen Hawking, a top technology expert, AI poses a significant risk to humanity and could be the primary cause of the human race's extinction. Steve Wozniak, the cofounder of the Giant Apple business, experienced similar distress. He has stated that he is concerned about the increasing risks associated with AI technology.

OBJECTIVE

- To evaluate whether AI is a threat to Humans.

- To examine whether AI will impact creativity of humans.
- To analyse if Indian Education system is ready to generate job in AI for new generation.

HYPOTHESIS

- 1) Awareness of Copyright Law and AI technology.
- 2) AI is a threat to Humans.
- 3) Use of AI will impact the creativity of Humans.
- 4) Indian Education system is ready to generate job in AI for new generation.

STATEMENT OF PROBLEM

The rapid advancement of Artificial Intelligence technology has significantly transformed content creation across various domains in India. The use of Artificial Intelligence has been intensively increased in the fields of music, art, literature which has raised the concern and need to identify the threat which it will pose on the society. This shift raises complex legal and ethical questions about the rights of human creators versus those generated by Artificial Intelligence. The extensive use of Artificial Intelligence has a huge impact on the society with respect to the creative world, job displacement, piracy.

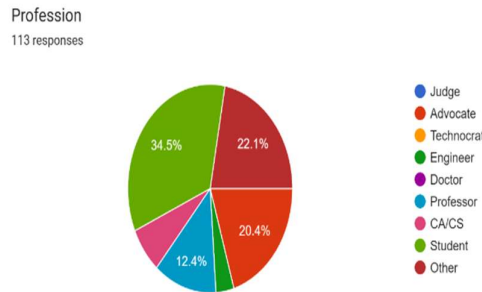
However, the overuse of OpenAI has brought up a number of socio-legal challenges, including issues like job losses, end to the creativity of humans brain, Deep Fake video, false news, disinformation, privacy, and data breaches. Education is fundamentally about instilling values of hard work, discipline, dedication, and determination, but tools like ChatGPT are putting an end to human creativity and can make the students dumb, lazy, incompetent, non-conformist. Schools, for example, can have many harmful / negative impacts as well, such as on original thinking, creative and critical learning would be impacted, and will lack in problem-solving skills. In addition to all of these, we cannot overlook that it will pose a danger to several occupations, including those of online and digital interface designers, journalists, attorneys, Content writers, and paralegals.

This issue needs a full analysis of how AI is transforming India's Copyright landscape, its impact on creators, customers, and society as a whole, as well as the formulation of appropriate legal remedies to balance innovation with intellectual property rights protection.

RESEARCH METHODOLOGY

This article is based on qualitative research approach using Doctrinal research methodologies and Empirical research through questionnaires method. The research has taken sample of 113 people from different professionals.

DATA ANALYSIS AND INTERPRETATION



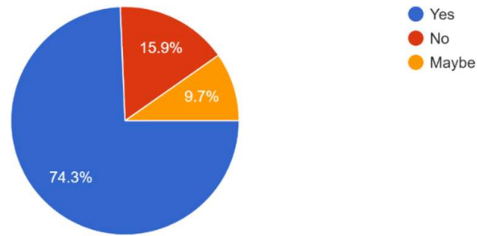
Hypothesis No 1: Awareness of Copyright Law and AI technology:

74.3 % people voted that they are aware about Copyright Law. Hence proved.

88.5 % people voted that they are aware about AI technology. Hence proved.

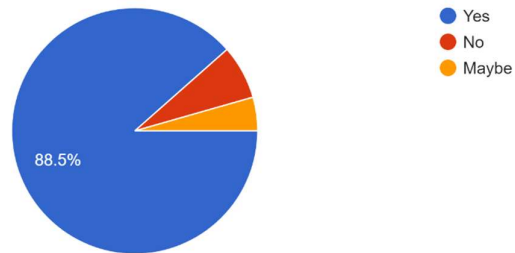
Are you aware about Copyright Law?

113 responses



Are you aware about Artificial Intelligence Technology?

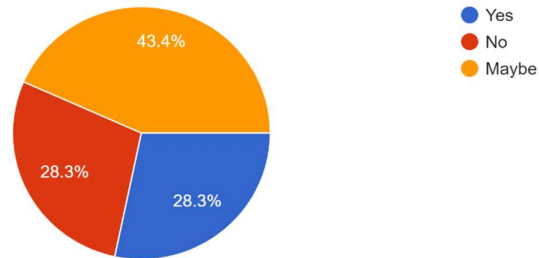
113 responses



Hypothesis No 2: AI is a threat to Humans.

Whether you think Artificial Intelligence is a threat to human?

113 responses

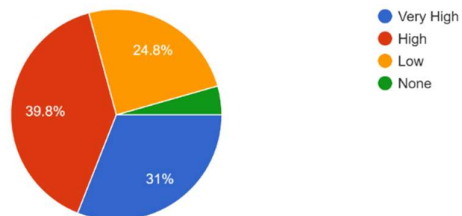


43.4% people have voted that AI can be a threat to humans. Thus, not proved.

Hypothesis No 3: Use of AI will impact the creativity of Humans.

Whether Artificial Intelligence will impact the creativity of human?

113 responses

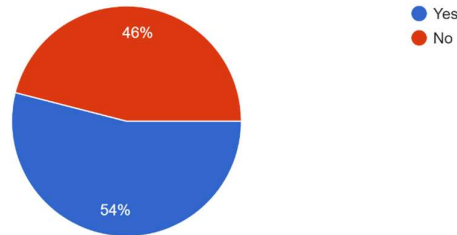


39.8% people have voted that AI will impact the creativity of human. Hence proved.

Hypothesis No 4: Indian Education system is ready to generate job in AI for new generation

Whether Indian Education system is ready to generate the job in Artificial Intelligence for New generation ?

113 responses



54% people have voted that Indian Education system is ready to generate job in AI for new generation. Hence proved.

JUDICIAL ANALYSIS IN INDIA AND INTERNATIONAL

AI has been effectively accepted by India under the joint work doctrine. "Suryast" is a painting that was produced in 2020 by the artificial intelligence painting application RAGHAV. Following that, Ankit Sahni, the application's proprietor, submitted two copyright applications for the artwork created by AI. The original application, which just identified RAGHAV as the author, was denied by the Copyright Office of India. On the other hand, Sahni was successful in getting registration for the second application, which named both RAGHAV and him as co-authors. Stressing how crucial it is to understand artificial intelligence As per Sahni's statement, "ensuring that artificial intelligence creations are protected will be beneficial in acknowledging and safeguarding the rights of individuals who create these applications and guaranteeing that they receive suitable incentives."

Indian Judges' Views on AI:

The CJI, DY Chandrachud on May 6, 2023 had addressed the audience at the National Conference on Digitization in Odisha, he had placed reliance on the importance of maintaining technological practices like hybrid hearings in High Courts, highlighting that these should not be limited to the period of the COVID-19 pandemic and had urged judges to adopt the new technology so that the litigants do not suffer due to judges' discomfort with technological tools.

The Supreme Court of India has not been immune to the use of AI tools; from 2021, it has employed a tool controlled by AI that processes data and provides it to judges for decision-making. The aforementioned technology just aids in providing support to the judges; it does not take part in the decision-making process.

The Supreme Court of India also uses SUVAS (Supreme Court Vidhik Anuvaad Software), a technology that translates judicial documents from English into regional tongues and vice versa.

In the case of *Jaswinder Singh v. State of Punjab*,

The above matter was dealing with a Bail application. In the said matter before passing the order, the judge had taken assistance of ChatGPT, to get a more comprehensive understanding of the granting of bail in cases which are involving cruelty. The Chat GPT was used only for assistance purpose to understand the concept of Bail and did not comment on the merits of the case.

International:

USA:

USA Copyright Act does not recognise AI generated contents. USA Copyright office is of a view that AI solely does not create any contents, rather it just compares the data from all sources and compiles the same and gives the output, thus there is not creativity. Basically, it is a human being who gives command to AI for creating contents, without human involvement AI cannot generate output.

In the month of September, 2022, the US Copyright office created history by granting protection to a graphic novel called *Zarya of the Dawn*, written by author Kris Kashtanova. The novel gained attention as it was written with the help of Artificial Intelligence tool i.e MidJourney. In the novel speaks about the character Zarya navigating a dystopian world, blending science fiction and fantasy elements.

Later, the said decision was overruled by U.S. Copyright Office when it came to the knowledge that the said novel was written with the help of Artificial Intelligence tool. The argument raised was that the images which were created by using the U.S. Copyright Office tool lacked the human authorship required for granting Copyright protection. The case involved various challenges and discussions around the copyrightability of works involving Artificial Intelligence generated content. The U.S. Copyright Office's emphasizes the requirement for human creativity and Authorship in works that qualifies for Copyright protection.

In the USA, AI powered tools like COMPAS (Correctional Offender Management Profiling for Alternative Solutions) help judges to determine risk by analysing variables including past criminal activity, socioeconomic status, and mental health to estimate the chance of reoffending. AI is also used by the US Sentencing Commission to create and implement sentencing guidelines, guaranteeing equitable and just penalties. Chatbots are used by the US court system to respond to commonly asked queries from the public regarding schedules, processes, and other relevant subjects. This reduces the workload of court employees and increases the accessibility of information for everybody.

In China

China's first case of copyright infringement involving AI-generated images : The Artificial Intelligence generated image was recognised by the Beijing Internet Court in China and passed a landmark judgment on November, 2023. The court passed an order for infringement of the Artificial Intelligence generated image and imposed penalty of 500 Yuan. The Court took the view that the recognition to Artificial Intelligence generated work shall be looked into as per the facts of each case.

In Europe:

The Europe is the very first country to enact Law on Artificial Intelligence. The European Law on Artificial Intelligence have protected the contents created by Artificial Intelligence, however there is a precedent that contents created by Artificial Intelligence should have a human touch.

CONCLUSION

Artificial Intelligence plays a very important role in present and future. Artificial Intelligence (AI) in India reveals both opportunities and challenges. However, these advancements also raise complex Legal, Socio and ethical issues that require careful consideration. Artificial Intelligence generated work would have both pros and cons. The pros are that they would help assist people, generate data within seconds comparing data of many human brains, less time consuming, cheaper. On the same side we cannot ignore the fact that the same would have a serious threat on job losses, losing the creativity of Humans.

SUGGESTIONS

1. Looking at the massive use of AI, it is necessary to consider the contents created by AI for Copyright protection.
2. AI should be used only for getting assistance.
3. We need to maintain balance between AI created contents and human created contents so that it does not replace the creativity of human brains.
4. Human and AI joint ownership principles should be prioritized to prevent society from becoming an AI-driven one. The creative imaginations of people would not cease if Indian copyright laws protected joint ownership.
5. Since AI is a new and emerging field, our educational system should prioritize these kinds of courses and curriculum so that more Indians may find employment in the field.

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