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Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJLAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

CRITICAL EXAMINATION OF COLLECTIVE AUTHORSHIP IN AI-GENERATED MUSIC AT OUTPUT STAGE WITH A VIEW TO REFORM THE INDIAN COPYRIGHT FRAMEWORK

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Abstract

Who is the true composer when a melody is born from a collaboration between a human musician, a programmer, and a probabilistic algorithm? The rapid ascent of generative artificial intelligence (AI) has fundamentally transformed music creation, mainly shifting it from a deeply personal, solo human endeavor into a complex, technologically mediated duet. This paradigm shift directly challenges the anthropocentric foundations of the Indian Copyright Act, 1957.

This article interrogates a central paradox within Indian jurisprudence: the jarring conflict between Section 2(d)(vi) of the Copyright Act—which technically grants authorship to the person who "causes" a computer-generated work to be created and the steadfast traditional judicial requirement of actual human skill and judgment. By forcing a rigid binary choice between human or machine, our current legal architecture is inherently ill-equipped to govern modern musical collaborations where human and algorithmic contributions are inextricably intertwined at the output stage.

Through a doctrinal analysis of Indian statutory law and a comparative study of international precedents, this research proposes a radical yet necessary paradigm shift: the formal legal recognition of AI and humans as joint, collective authors. Centered on an expanded, progressive interpretation of Section 2(z) of the Copyright Act, this framework argues that elevating AI to a

co-author legally acknowledges the machine's substantial algorithmic expression while perfectly preserving the economic and moral value of the human's conceptual direction.

Ultimately, this report contends that for copyright law to remain relevant, it must stop searching for a solitary human genius and instead legally codify this new collaborative reality. The future of music is undeniably a duet between human and machine—and the law must adapt to recognize the whole symphony.

Keywords: Artificial Intelligence; Copyright Law; AI-Generated Music; Collective Authorship; Joint Authorship.

INTRODUCTION

The landscape of musical creation is currently undergoing a tectonic shift, driven by the exponential evolution and commercial deployment of generative Artificial Intelligence (AI). Historically, technology deployed in the music industry has functioned strictly as an inert tool a passive instrument entirely subservient to the creative control and deliberate physical manipulation of a human artist. Devices such as the polyphonic synthesiser, the programmable drum machine, and the digital audio workstation (DAW) fundamentally augmented the creative workflow, yet they did not autonomously participate in the generation of original expression. Today, however, generative AI represents a categorically different and highly disruptive class of technology. Leveraging sophisticated machine learning algorithms, deep neural networks, and vast datasets of pre-existing musical works, these systems operate as active participants in the compositional process. Modern AI models, such as Suno and Audio, can autonomously generate novel melodies, synthesize complex harmonic progressions, and arrange intricate rhythmic patterns in seconds.

The cultural and economic impact of this technology is a tangible commercial reality. Algorithmic outputs are increasingly competing directly with human artists for market share and audience engagement. However, this new duet between human users and machine algorithms fundamentally challenges the traditional, anthropocentric paradigms of artistry, originality, and, most critically, legal authorship.

The core of the legal conundrum precipitated by AI-generated music lies in a direct jurisprudential clash within Indian law. On one hand, the Indian Copyright Act, 1957[1] ("the Act"), features a technologically forward-looking provision. Section 2(d)(vi)[2] defines the author of a "computer-generated" work as "the person who causes the work to be created". On the other hand, the Indian judiciary has firmly embraced a strict, anthropocentric standard of originality, traditionally requiring a "modicum of creativity" derived explicitly from a human author's personal "skill and judgment". This dichotomy creates profound legal uncertainty, forcing creators into an outdated binary: either the human claims full credit for a work largely generated by a machine, or the work is denied protection entirely.

In light of these challenges, this report investigates a progressive and definitive legal solution: granting collective or joint authorship to both the human user and the AI system. It explores whether existing frameworks, specifically the concept of "joint authorship" under Section 2(z)[3] of the Indian Copyright Act, can be reimagined to exclusively and comprehensively govern this new era of hybrid music production, and how institutional bodies like Indian Copyright Societies can administer these novel rights.

WHETHER AI-GENERATED WORKS CAN BE COPYRIGHTED?

Extant Indian copyright law neither explicitly recognizes the autonomous creations of artificial neural networks nor categorically excludes works that involve algorithmic assistance. Thus, there is scope for the protection of AI-assisted works, provided they satisfy traditional legal thresholds. Copyright protection fundamentally rests on three core essential pillars: Authorship, Originality, and Fixation. This section analyzes how each of these doctrinal requirements applies to the unique mechanics of AI-generated music and argues that such works can be protected optimally only under a shared authorship model.

[1] The Copyright Act, 1957, No. 14, Acts of Parliament, 1957 (India).
[2] Id. at § 2(d)(vi).
[3] The Copyright Act, 1957, § 2(z), No. 14, Acts of Parliament, 1957 (India).

AUTHORSHIP

Authorship has historically been rooted in the philosophical ideal of human intellectual and creative labor. Section 2(d)[4] of the Copyright Act defines "author" across various categories of work in decidedly anthropocentric terms: the composer for musical works, the artist for artistic works, and the producer for sound recordings.

However, AI systems are sophisticated statistical engines, and traditionalists argue they lack the legal personality required for authorship. The baseline Indian statutory approach to non-human creation is governed by Section 2(d)(vi)[5] of the Act, which attributes authorship of "computer-generated" works to "the person who causes the work to be created". While this seems to provide a clear legislative mandate, applying it to generative AI as a sole author is intensely problematic because generative AI operates probabilistically, contributing its own independent "expression" beyond the human's prompt.

Yet, the global and Indian legal apparatus has already seen pioneering movements toward recognizing AI in the authorship equation. In a landmark moment for Indian copyright law, the Indian Copyright Office granted copyright registration in November 2020 to an artwork titled Suryast[6], recognizing an AI tool named "RAGHAV"[7] and its human creator, Ankit Sahni, as co-authors. Suryast was generated by inputting a digital photograph of a sunset taken by Sahni into the RAGHAV AI, applying the style of Vincent van Gogh[8]. Although the Copyright Office later issued a withdrawal notice questioning the AI's legal standing, the application famously remained listed as 'registered', sparking a massive global debate.

Internationally, this exact work faced divergent outcomes, perfectly illustrating the fracture in global consensus. The United States Copyright Office Review Board flatly rejected the Suryast

[4] The Copyright Act, 1957, § 2(d), No. 14, Acts of Parliament, 1957 (India).
[5] The Copyright Act, 1957, § 2(d)(vi), No. 14, Acts of Parliament, 1957 (India).
[6] **U.S. Copyright Office Review Board,** Second Request for Reconsideration for Refusal to Register SURYAST (Dec. 11, 2023) (on file with U.S. Copyright Office), https://www.copyright.gov/rulings-filings/review-board/docs/SURYAST.pdf
[7] **Iddon, Matthew & Santiago Resano,** AI Art and Indian Copyright Registration, SpicyIP (Oct. 27, 2022), https://spicyip.com/2022/10/ai-art-and-indian-copyright-registration.html
[8] **Van Gogh Museum,** Contemporaries of Van Gogh – Credits, **VanGoghMuseum.com**, https://catalogues.vangoghmuseum.com/contemporaries-of-van-gogh-1/credits (last visited Mar. 3, 2026).

application in December 2023, ruling it was "too robotic, too soulless" and lacked the requisite human authorship. Conversely, the Canadian Intellectual Property Office (CIPO) officially granted registration number 1188619 to Suryast, officially listing both Sahni and RAGHAV AI as co-authors. This crucial precedent demonstrates that modern legal systems possess the foundational capacity to contemplate collective authorship between human and machine, a concept that is entirely applicable and necessary for modern music production.[9]

ORIGINALITY

Originality is the ultimate bedrock requirement for the subsistence of copyright protection. It serves as a doctrinal threshold distinguishing protectable expression from mere mechanical reproductions, factual recitations, or algorithmic randomness. Originality comprises two essential prongs: Independent Creation and Creativity.

I. INDEPENDENT CREATION

Independent creation mandates that a work must be developed autonomously by the author without directly copying from pre-existing works. Generative AI systems do not function as massive databases retrieving stored segments of copyrighted songs. Instead, they are probabilistic engines[10]. During the training phase, the models analyze billions of parameters to learn the underlying statistical relationships, features, and associations within the data. When generating a new track, the AI predicts the next token in a sequence rather than reproducing stored snippets of original expression. Generative AI yields varied and distinct outputs even when fed identical prompts, demonstrating that the results are uniquely generated. Therefore, AI-generated musical outputs generally satisfy the independent creation prong of the originality standard.

II. CREATIVITY

The creativity prong demands an affirmative demonstration of intellectual effort. In Indian copyright law, copyright protection requires a "modicum of creativity" reflecting distinct "skill and judgment".

[9] **U.S. Copyright Office Review Board**, Second Request for Reconsideration for Refusal to Register SURYAST (Dec. 11, 2023) (SR # 1-11016599571; Correspondence ID: 1-5PR2XKJ), https://www.copyright.gov/rulings-filings/review-board/docs/SURYAST.pdf.

[10] Mark A. Samuelson et al., Copyright Safety for Generative AI, 60 Hous. L. Rev. 1203

Applying this standard to AI-generated music naturally invites a joint-authorship perspective because the creative process is distributed between the human and the machine. Human-AI musical co-creation exists on a dynamic continuum of engagement. The human conceptualizes the overarching aesthetic, iteratively crafts specific prompts, curates the generated audio stems, and arranges them into a cohesive musical architecture. Simultaneously, the AI algorithm exercises its own form of "computational creativity,"[11] synthesizing the complex harmonic progressions, timbres, and rhythmic patterns that the human could not have produced alone.[12]

Because both the human's curation/prompting and the AI's generation are inextricably merged into the final musical work, recognizing only the human ignores the AI's heavy lifting, while recognizing only the AI ignores the human's guiding vision. Acknowledging collective creativity satisfies the originality threshold far more accurately than attempting to force the process into a single-author paradigm.[13]

FIXATION

Fixation is the final requirement for copyright subsistence. Copyright protects expression only when it is embodied in a tangible medium for more than a transitory duration. Although the Indian Copyright Act, 1957 does not expressly define "fixation," Section 13[14] presupposes the existence of a material form capable of reproduction and communication.

Comparative jurisprudence clarifies this principle. Under 17 U.S.C. §§ 101–102(a)[15], a work is "fixed" when embodied in a copy for more than a transitory duration. In Cartoon Network LP, LLLP v. CSC Holdings[16], the court held that fleeting embodiment does not satisfy fixation. Conversely, in MAI Systems Corp. v. Peak Computer[17], even digital storage in RAM was considered sufficient embodiment.

[11] Jiarui Liu, Machine Learning and the Concept of Creativity, 52 IIC 1 (2021).
[12] Jane C. Ginsburg & Luke Ali Budiardjo, Authors and Machines, 34 Berkeley Tech. L.J. 343 (2019).
[13] Jane C. Ginsburg & Luke Ali Budiardjo, Authors and Machines, 34 Berkeley Tech. L.J. 343, 376–82 (2019).
[14] The Copyright Act, 1957, § 13, No. 14, Acts of Parliament, 1957 (India).
[15] 17 U.S.C. §§ 101–102(a); Cartoon Network LP, LLLP v. CSC Holdings, Inc.,
[16] Cartoon Network LP, LLLP v. CSC Holdings, Inc., 536 F.3d 121 (2d Cir. 2008)
[17] MAI Systems Corp. v. Peak Computer, Inc., 991 F.2d 511 (9th Cir. 1993)

AI-generated music clearly satisfies this requirement. Once a prompt is processed, the output is automatically stored as a stable digital file (e.g., .WAV or .MP3), capable of being perceived, reproduced, and distributed. Accordingly, fixation presents no doctrinal obstacle for AI-generated works; the real controversy lies in originality and authorship.

THE JOINT AUTHORSHIP PARADIGM: MERGING HUMAN AND MACHINE

When a musical work is generated through an intricate interplay between an autonomous algorithmic model and the end-user who initiated the prompt, the traditional attribution of sole ownership[18] becomes immediately strained and practically unworkable. In modern generative workflows, the human creator acts as the conceptual catalyst providing the ideation, iterative prompt engineering, and structural curation while the AI executes the complex probabilistic generation, synthesizing harmonic progressions and rendering the final acoustic output. Neither entity can produce the final, sophisticated musical work in isolation. Attributing sole ownership entirely to the human relies on a severe legal fiction, as it willfully ignores the machine's massive, autonomous expressive contribution. Conversely, denying copyright entirely plunges economically valuable works into the public domain, destroying the incentives that drive both technological and artistic innovation.[19]

Therefore, the most logical, equitable, and legally sound solution is the formal recognition of collective, or joint, authorship. Under Section 2(z)[20] of the Indian Copyright Act, 1957, a "work of joint authorship" is defined as a collaboration where the contribution of one author is inextricably merged and not distinct from the contribution of the other. In human-AI musical co-creation, the fusion of the human's conceptual direction and the AI's algorithmic expression results in a collective expression that fundamentally transcends their individual contributions. Applying joint authorship to a non-human entity requires overcoming the doctrinal hurdle of "mutual intent." Indian courts, notably in Najma Heptulla v. Orient Longman Ltd.[21], have ruled that joint authorship

[18] Jane C. Ginsburg & Luke Ali Budiardjo, Authors and Machines, 34 Berkeley Tech. L.J. 343, 376–82 (2019).
[19] Daniel J. Gervais, The Machine as Author, 105 Iowa L. Rev. 2053, 2087–92 (2020).
[20] The Copyright Act, 1957, § 13, No. 14, Acts of Parliament, 1957 (India).
[21] *Najma Heptulla v. Orient Longman Ltd., A.I.R. 1989 Del. 63 (India)*

demands active participation and a mutual intention to create a unified, inseparable whole. Similarly, international jurisprudence, such as the Childress v. Taylor[22] standard in the US, mandates that contributors must intend for their parts to be merged into a unitary whole. While an AI model inherently lacks a conscious "state of mind", the law must adapt by recognizing a sui generis application of intent. By legally codifying the AI as a co-author, the law accurately reflects the reality of the production process: the AI fulfills the mechanical generation component, while the human co-author provides the creative intent and retains the legal standing to register, enforce, and monetize the resulting copyright.

DISTINGUISHING JOINT AUTHORSHIP FROM COLLECTIVE WORKS

To properly frame this legal architecture, it is vital to distinguish between a "collective work" and a "joint work". In international frameworks, such as US copyright law, a "collective work" (like a periodical, anthology, or encyclopedia) is defined as a work in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole.[23] In a collective work, the copyright in each separate contribution vests initially in the author of that distinct contribution, while the compiler holds copyright only over the selection and arrangement.[24]

If a human user merely takes an intact, fully AI-generated instrumental track and pastes their own distinct, unedited vocal track over it without merging the underlying composition, it might legally resemble a collective compilation. However, in modern generative AI music production, this is rarely the case. The human user typically prompts, edits, curates, and merges musical elements iteratively with the AI, creating an inseparable final audio file where the human's conceptual direction and the AI's algorithmic generation are indistinguishably fused.

Therefore, Section 2(z)[25] of the Indian Copyright Act, 1957, is the superior statutory vehicle. It defines a "work of joint authorship" as "a work produced by the collaboration of two or more

[22] *(Childress v. Taylor, 945 F.2d 500 (2d Cir. 1991)*
[23] *17 U.S.C. § 101*
[24] *17 U.S.C. § 201(c)*
[25] *The Copyright Act, 1957, § 2(z), No. 14, Acts of Parliament, 1957 (India).*

authors in which the contribution of one author is not distinct from the contribution of the other author or authors". Because the human's conceptual contribution and the AI's expressive contribution cannot be distinctly untangled in the final exported audio file, they function practically as joint authors.

Indian jurisprudence has strict requirements for joint authorship. In Najma Heptulla v. Orient Longman Ltd[26]., the Delhi High Court ruled that joint authorship requires active participation and a mutual intention to create a unified whole; passive contribution or merely providing an idea does not suffice. While an AI cannot possess conscious "intent," the human user's deliberate intent to merge their curatorial prompting with the AI's probabilistic generation to create a finalized, unified musical work fulfills the spirit of this collaborative requirement.

REJECTING THE SOLE-OWNERSHIP TRICHOTOMY

Historically, legal scholars have debated a "trichotomy" of sole ownership: granting copyright solely to the AI, solely to the developer, or solely to the user. All three fail in isolation:

1. **Sole AI Ownership:** Fails because AI, currently lacking legal personhood, cannot enforce rights, enter contracts, or economically benefit from the work. The High Court of England and Wales confirmed this in the DABUS case, ruling that a machine cannot hold ownership because it is not a legal person.[27]
2. **Sole Developer Ownership:** Constitutes "double dipping."[28] Developers own the software, but they exercise zero creative control over the specific, individual songs requested by users.
3. **Sole User Ownership:** Fails to acknowledge the reality of the output. If a user types a ten-word prompt and receives a fully mastered, three-minute symphony, claiming the user is the sole author relies on a severe legal fiction that ignores the machine's autonomous expression.

[26] Najma Heptulla v. Orient Longman Ltd., AIR 1989 Del 63 (India)
[27] Kingsley Egbuonu, The Latest News on the DABUS Patent Case, IP STARS (July 7, 2025), https://www.ipstars.com/NewsAndAnalysis/the-latest-news-on-the-dabus-patent-case/Index/7366.
[28] Journal of Intellectual Property Law & Practice, **2 J. Intell. Prop. L. & Prac. 1** (Jan. 2007), https://doi.org/10.1093/jiplp/jpl194.

Recognizing AI as a co-author acknowledges the AI's substantial involvement in the creative process without disregarding the human's indispensable creative direction. In this paradigm, the AI fulfills the mechanical generation component, but the legal standing to register, enforce, and monetize the copyright vests entirely in the human co-author.

THE ROLE OF COPYRIGHT SOCIETIES IN ADMINISTERING COLLECTIVE RIGHTS

Recognizing collective or joint authorship between a human and AI solves the theoretical ownership dilemma, but enforcing these rights requires robust institutional infrastructure. Under Section 33[29] of the Indian Copyright Act, 1957, registered Copyright Societies are authorized by the Central Government to administer rights, issue licenses, and collect fees on behalf of authors and owners.

In the context of the music industry, entities like the Indian Performing Right Society Limited (IPRS), which is India's sole copyright society representing authors, composers, and publishers and the Recorded Music Performance Ltd. (RMPL) which exclusively controls public performance and broadcasting rights for sound recordings act as central "single window" licensing authorities. These societies collect royalties from businesses, broadcasters, and event organizers, deducting a maximum of 15% for administrative expenses before distributing the remainder to the rightful creators based on a transparent "Distribution Scheme".[30]

If "Assisted Authorship" or joint human-AI authorship is codified into law, these societies must adapt their governance and distribution structures. Copyright societies are legally mandated to maintain a strict "Register of Authors and Other Owners". In an AI-integrated ecosystem, societies like IPRS and RMPL must require their members to accurately declare the extent of AI use in their registered compositions. Members are strictly prohibited from submitting fraudulent or misleading works data;[31] doing so is considered a breach of trust that can lead to the forfeiture of royalties and termination of membership.

[29] The Copyright Act, 1957, § 2(z), No. 14, Acts of Parliament, 1957 (India).
[30] Daniel Gervais, Collective Management of Copyright and Related Rights, 28 Colum. J.L. & Arts 429 (2005).
[31] Mihály Ficsor, Collective Management of Copyright and Related Rights, 6 J. Intell. Prop. L. & Prac. 346 (2011).

By officially recognizing AI as a co-author, the human co-author (who holds the legal and economic rights of the joint human-AI work) can legally and transparently collect royalties for public performances and streams through these societies without facing forfeiture for hiding the AI's involvement.[32] Furthermore, utilizing these existing, democratic collective administration societies where authors and owners have equal voting rights in the governing body offers a superior, market-driven mechanism for managing AI music rights.

RECOMMENDATIONS AND THE WAY FORWARD

To navigate the evolving and turbulent landscape of AI-generated music, the Indian copyright framework must undergo principled, comprehensive, and immediate reform. India has the opportunity to lead global jurisprudence by embracing collective authorship supported by robust collective administration.

1. **Legislative Expansion of Section 2(z) to Include Non-Human Entities**

   The legislature should formally amend Section 2(z) of the Copyright Act, 1957, to explicitly permit collective authorship between a human and an algorithmic entity. By establishing a sui generis legal fiction for AI systems specifically within the bounds of intellectual property co-creation, the law can recognize the machine's contribution. The AI is recognized as a co-author strictly to fulfill the originality and creation requirements regarding the algorithmic output, but all economic, enforcement, and moral rights automatically vest in the human co-author, who acts as the legal steward of the collaborative work.[33]

2. **Implementing a "Collaborative Contribution Test"**

   To prevent abuse through minimal engagement with generative systems, courts should adopt a “Collaborative Contribution Test.” A single, generic prompt that merely triggers automated output should not qualify for authorship. Indian law requires a demonstrable exercise of skill and judgment reflecting a “modicum of creativity,” as held in Eastern Book Company v. D.B. Modak.[34]

[32] Dev S. Gangjee, Copyright Societies and the Indian Copyright (Amendment) Act 2012, 7 J. Intell. Prop. L. & Prac. 725 (2012).
[33] Daniel J. Gervais, The Machine as Author, 105 Iowa L. Rev. 2053 (2020); Jane C. Ginsburg & Luke Ali Budiardjo, Authors and Machines, 34 Berkeley Tech. L.J. 343
[34] Eastern Book Company v. D.B. Modak, (2008) 1 SCC 1.

Further, joint authorship under Section 2(z) of the Copyright Act, 1957 demands active and intentional collaboration. In Najma Heptulla v. Orient Longman Ltd.,[35] the Delhi High Court emphasized that joint authorship requires meaningful participation toward a unified work. Similarly, Childress v. Taylor, requires substantial creative contribution and intent to merge contributions.

3. **Empowering Copyright Societies Over Centralized Bureaucracies**

Reform must address AI training at the input stage. The DPIIT Working Paper on AI and Copyright (2023) proposed a centralized licensing mechanism through a new "Copyright Royalties Collective for AI Training (CRCAT)." However, rather than establishing a new statutory body, Parliament should leverage the existing collective management framework under Sections 33–35 of the Copyright Act, 1957.

Indian Copyright Societies such as IPRS and RMPL are already authorized to administer rights, issue licenses, and distribute royalties under statutory supervision. Expanding their mandate to negotiate Extended Collective Licensing (ECL) arrangements with AI developers would align with established collective management principles and ensure equitable remuneration for creators whose works are used in AI training datasets. This approach is consistent with international scholarship favoring collective licensing mechanisms for large-scale digital uses.

4. **Absolute Protection of Personality Rights Against AI Voice Cloning**

Even if joint human–AI authorship is recognized, the law must strictly protect artists' personality rights. In Arijit Singh v. Codible Ventures LLP[36], the Bombay High Court granted an ad-interim injunction against unauthorized AI voice cloning, recognizing that such digital imitation infringes personality and publicity rights.

Indian jurisprudence has long protected personality rights under Article 21 and common law principles, as affirmed in Justice K.S. Puttaswamy v. Union of India,[37] and ICC Development (International) Ltd. v. Arvee Enterprise[38]. AI systems must therefore be statutorily prohibited from replicating a protected voice, likeness, or persona without

[35] Najma Heptulla v. Orient Longman Ltd., A.I.R. 1989 Del. 63
[36] Arijit Singh v. Codible Ventures LLP (Bom. HC, July 2024)
[37] Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1
[38] ICC Development (International) Ltd. v. Arvee Enterprises, 2003 (26) PTC 245 (Del)

explicit authorization. Recognition of AI as a co-author cannot dilute these fundamental personality protections.

CONCLUSION

The challenge posed by generative AI is not merely technological, it is deeply conceptual. As this paper has demonstrated, the Indian Copyright Act, 1957 was built upon an inherently human-centered understanding of authorship, originality, and creativity. Yet generative AI systems no longer operate as passive instruments in the hands of creators. They function as probabilistic engines capable of generating expressive outputs that are neither entirely autonomous nor wholly directed by human intention. The statutory language of Section 2(d)(vi), which attributes authorship to the person who "causes" a computer-generated work to be created, sits uneasily alongside the judiciary's insistence on human "skill and judgment." This internal contradiction makes the present framework doctrinally unstable when applied to AI-generated music.

A closer examination of authorship, originality, and fixation reveals that AI-generated works are not inherently incompatible with copyright protection. Fixation is easily satisfied. Independent creation is generally met through probabilistic generation rather than literal copying. The real difficulty arises in the creativity requirement and the attribution of authorship. To insist that such works fit within a purely human authorship model is to sustain a legal fiction. On the other hand, denying protection altogether would weaken the very incentive structure that copyright law seeks to preserve. The traditional "sole-ownership" debate, whether rights belong to the AI, the developer, or the user ultimately fails because it reduces a collaborative process to an artificial binary.

The Suryast episode, and the divergent responses of the United States and Canada, highlight the lack of global consensus while simultaneously proving that doctrinal innovation is possible. Indian law already contains the seeds of a solution in Section 2(z), which recognizes joint authorship. When thoughtfully expanded and interpreted, this provision can serve as a bridge between conventional authorship doctrine and algorithmic creativity. Recognizing AI as a limited co-author

solely to acknowledge its algorithmic contribution while vesting enforceable economic and moral rights in the human collaborator offers a balanced and coherent path forward.

However, doctrinal reform alone is insufficient. Institutional mechanisms must evolve as well. India's Copyright Societies, empowered under Sections 33–35, provide a ready-made framework capable of administering hybrid rights in a transparent and democratic manner. Rather than creating new centralized bodies, reform should strengthen these existing collective management structures to address both authorship at the output stage and licensing at the training stage. At the same time, recognition of AI's role must never dilute the protection of human personality rights. The Bombay High Court's intervention against unauthorized AI voice cloning underscores that technological progress cannot come at the cost of individual dignity, identity, or artistic persona.
Ultimately, the real question is not whether the law can preserve a romantic image of the solitary genius. It is whether the law can adapt to reflect how creativity actually occurs today through collaboration between human imagination and machine computation meanwhile protecting innovation and human autonomy. The future of music is neither purely human nor purely artificial; it is inherently collaborative.

If Indian copyright law embraces a carefully calibrated model of collective authorship supported by strong collective administration and uncompromising personality protections, it can convert disruption into opportunity. India is uniquely positioned to lead this transformation, not merely by responding to technological change, but by shaping the global conversation on AI and creativity. By aligning statutory reform, judicial interpretation, and institutional practice, the law can compose a new and balanced harmony—one in which human artistry and artificial intelligence create together within a principled and future-ready legal order.